

**CITY OF HAYWARD**  
**AGENDA REPORT**

AGENDA DATE 06/15/04

AGENDA ITEM 4A

WORK SESSION ITEM \_\_\_\_\_

**TO:** Mayor and City Council

**FROM:** Director of Community and Economic Development

**SUBJECT:** Zone Change No. PL-2004-0188, Site Plan Review No. PL-2004-0191, Parking Exception No. PL-2004-0192, and Street Vacation – Request to Amend the Zoning District to High Density Residential to Construct 57 Dwelling Units, to Reduce the Parking Requirement, to Vacate a Portion of Lafayette Avenue and a Portion of a Utility Easement Along Mission Boulevard - Eden Housing, Inc. (Applicant) – The Property is Located at the Northwest Corner of Mission Boulevard and Lafayette Avenue

**RECOMMENDATION:**

It is recommended that the City Council introduce the attached ordinance and adopt the attached resolutions approving the Mitigated Negative Declaration, the Zone Change, the Site Plan Review, the parking exception, and the vacations, subject to the attached findings and conditions of approval.

**DISCUSSION:**

The applicant is requesting to change the zoning of three parcels totaling 1.91 acres to RH in order to construct a 57-unit affordable multi-family development. The site contains a former dairy, a vacant service station, as well as small retail shops (flowers, Laundromat, etc.). When rezoned, these structures would be razed to accommodate residential development permitted in the RH District. The site plan review application is for the construction of four, three-story buildings to accommodate 57 dwelling units consisting of:

- 6, one-bedroom units of 600 square feet each
- 29, two-bedroom units of 800 square feet each
- 22, three-bedroom units of 1,150 square feet each
- community center space of 588 square feet
- laundry room
- administrative office

The community room will house a computer learning center, resident support services, library, common kitchen and program space. Resident activities and programs, such as job readiness/training, technology education, and after school and summer enrichment youth programs will be offered.

The project is arranged around a central courtyard, which would be visible from most dwelling units. A semi-depressed garage is located under the largest building, which has frontage on Mission Boulevard.

The density of the project is 31 dwelling units per acre where the RH zoning district allows up to 35 dwelling units per acre. A parking exception is requested to reduce the required number parking spaces from 117 to 101. The application includes a request to vacate the northern 36-foot-wide portion of Lafayette Avenue while retaining a public utility easement for existing utilities so as to include the vacated portion within the project boundaries. It is also requested to vacate a portion of a public utility easement along Mission Boulevard so that housing units could be developed in this area. A 14-foot-wide portion of the easement parallel to Mission B will remain for existing utilities and the city's water line will be relocated by the development.

During the review of the project, staff contacted Caltrans regarding installation of a traffic signal at Lafayette and Mission (State Route 238). It was learned that this intersection currently meets several traffic signal warrants necessary to justify installation of the signal. If installed, traffic circulation can be expected to improve and the setting will be more appealing to pedestrians.

On June 3, 2004, the Planning Commission voted (6:0) to recommend approval of the zone change to High Density Residential and the proposal to construct 57-units of affordable housing. Their action included a recommendation for an exception to the Off-Street Parking Regulations to reduce the required number of parking stalls and to vacate a portion of Lafayette Avenue. The vacation of a public utility easement requires approval by the City Council but not the Planning Commission.

With the exception of the proposed reduction in the required number of parking stalls, all development standards are met. The attached Planning Commission report includes recommendations by staff to add balconies to increase the amount of usable open space and to enhance the building elevations, as well as a recommendation to use a stucco finish on the buildings. However, these features were added to the design in time for the Planning Commission hearing, and the Planning Commission was supportive of the revised design.

The project site is within the Fairway Park neighborhood. The associated neighborhood plan includes policies aimed at improving the subject property, and the Fairway Park Neighborhoods Association indicated their support for the project. Policies contained in the General Plan, and the Housing Element specifically, are supportive of locating high-density housing along major transportation corridors.

Data were provided that support the claim of the applicant that lower-income households have fewer vehicles. A survey of other housing projects that were constructed and operated by the applicant and which serve low-income residents also revealed that the demand for parking is less than required by the City's Off-Street Parking Regulations. In consideration of the parking information submitted and the fact that an AC Transit bus stop is located immediately in front of the property, the Planning Commission is recommending approval of the reduction in the required number of parking stalls from 117 to 101. The Planning Commission is also supportive of vacating a portion of Lafayette Avenue to include it in the boundaries of the project with the understanding that its width is currently excessive and the fact that public street standards would still be met once the vacation occurs.


During the hearing, an individual indicated that the City should contact AC Transit and encourage them to improve the public transit service in the vicinity, considering the number of dwelling units to be constructed by the applicant as well as a high-density affordable housing project due to be constructed nearby in Union City, and a Planning Commissioner asked staff to follow through with this request. Accordingly, staff will be contacting AC Transit to discuss the possibility of increasing transit service in the area. Another individual expressed concern that the project would accept residents with Section 8 housing vouchers. A representative of Eden Housing described the extensive

measures used to screen potential residents and the conscientious oversight of the operation of the housing project.

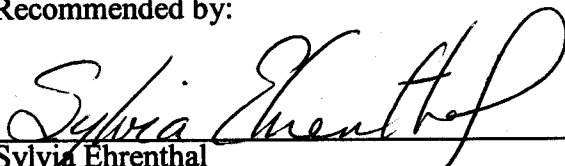
Eden Housing has named the project "Sara Conner Place" in honor of Sara Conner, a founding member of that nonprofit organization and a long-time activist in the field of affordable housing in Hayward and the Eden area. In addition to serving as President of the Board of Directors of Eden Housing for many years, she also served as President of the League of Women Voters of the Bay Area; Chair of the Alameda County Housing Commission and the Senior Housing Needs Task Force; Chair of the Castro Valley Municipal Advisory Council; member of the Bay Vision 2020 Blue Ribbon commission; and Trustee of the Alameda County Transit District Retirement Plan. She was the recipient in 1987 of both the John N. Pappas Humanitarian Award from the City of Hayward, and the Presidential Recognition Award for Community Service from the U. S. Department of Housing and Urban Development. No other members of the public appeared to address the project.

Members of the Planning Commission praised the efforts of the applicant to provide attractive, well maintained affordable housing developments in Hayward.

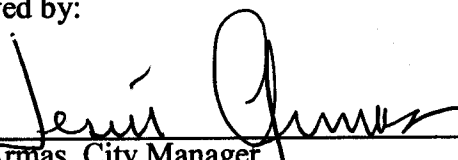
Prepared by:

  
Dyana Anderly, AICP  
Planning Manager

Recommended by:

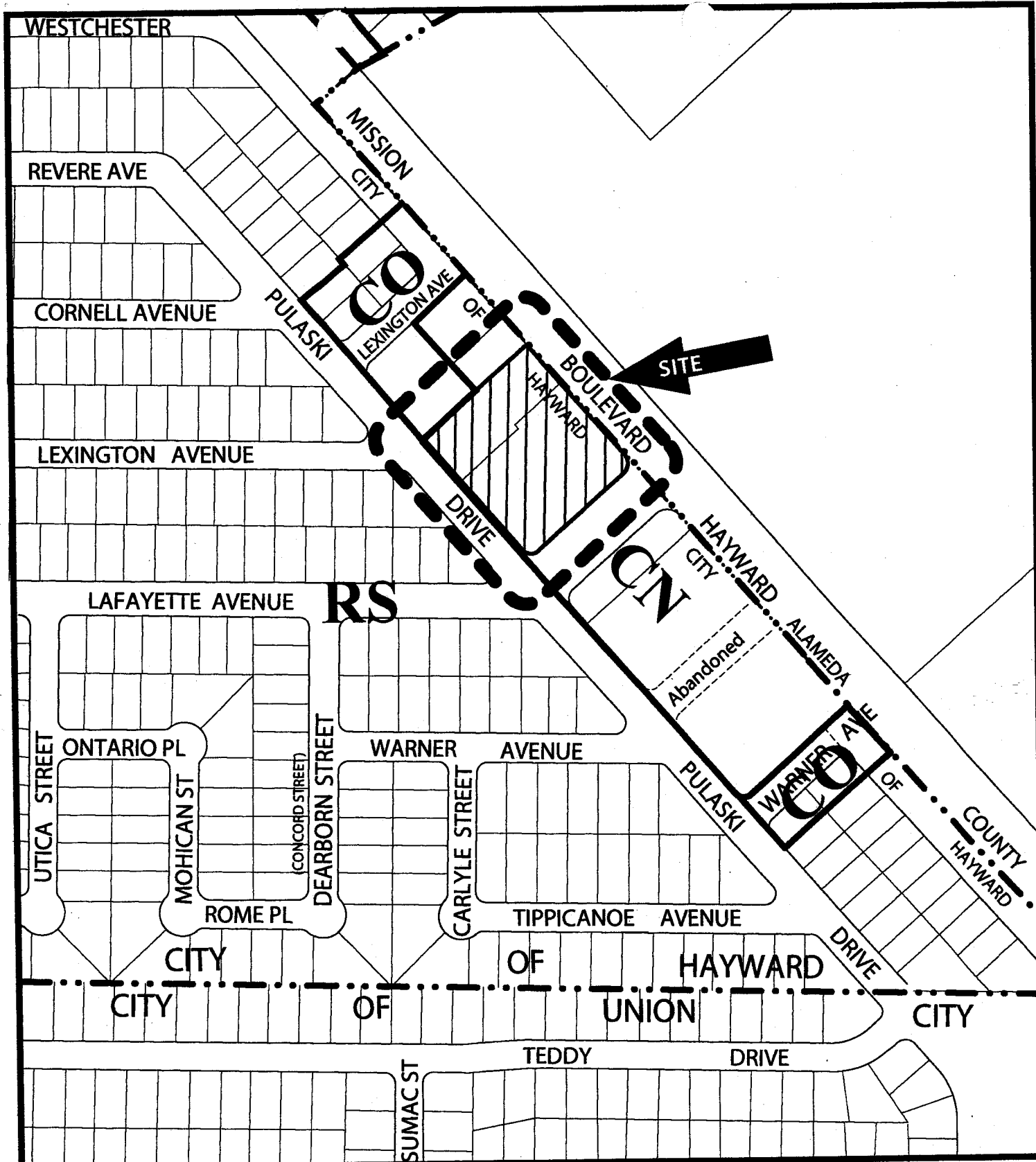
  
Sylvia Ehrenthal  
Director of Community and Economic Development

Approved by:

  
Jesús Armas, City Manager

Attachments:	Exhibit A.	Area and Zoning Map
	Exhibit B.	Planning Commission Draft Meeting Minutes and Staff Report, dated June 3, 2004
		Site Plans
		Draft Ordinance
		Draft Resolution

6/10/04



### Area & Zoning Map

PL-2004-0188 ZC, PL-2004-0192 VAR, PL-2004-0191 SPR

Address: 32519, 32525 & 32527 Mission Blvd.

Applicant: Katie Lamont

Owner: Estate of Ross S. Rasmussen

CN-Neighborhood Commercial

CO-Commercial Office

RS-Single-Family Residential, RSB4, RSB6



suggested license 47 is the more appropriate one to have. Condition 34 explains the limitations of the times alcohol can be sold. He questioned the metal roof and thought composition shingle would make more sense. The color does not bother him.

Commissioner Fraas said she liked the roof. It's a modern design. She also thanked the applicant for trying to meet the conditions from before. She then **moved**, seconded by Commissioner McKillop, the staff recommendation. She added to her motion to take away conditions 9, 10, and 11.

Commissioner Thnay agreed that 9, 10, and 11 are not that major. He said seems like the columns fit in with contrast and nature of the building, and appeared to be the right scale. He thanked the applicant for bringing back something of high quality, which will enhance the City of Hayward.

Commissioner Sacks added some comments on condition 9, regarding the term 'earth tones'. She suggested it is a meaningless term since there are many colors on this earth. She suggested that the applicant take a closer look at the pencil thin columns. They do not seem in scale with rest of the building. However, she would support the motion.

Commissioner McKillop said simply she would support the motion.

Chairperson Zermefio thanked COMPREE for being involved. He said he is not worried that this project will saturate alcohol sales in Hayward.

**The motion passed unanimously, 6:0, with one vacancy.**

2. **I. Zone Change PL 2004-0188** – Request to Amend the Zoning District from Neighborhood Commercial (CN) to High Density Residential (RH)
- II. Site Plan Review PL-2004-0191** – Request to Construct 57 Affordable Family Apartments;
- III. Exception PL-2004-0192** – Request to Reduce the Required Number of Parking Stalls From 117 to 101; and
- IV. Request to Vacate a Portion of Lafayette Street and Reconfigure Lot Lines to Create One Parcel**

Eden Housing, Inc. (Applicant), Estate of Ross S. Rasmussen (Owner). The Project is Located at 32519, 32525 and 33527 Mission Boulevard

Planning Manager Anderly noted the proposed zoning is complementary to the surrounding neighborhood and the intended zoning and complies with the policy of the General Plan. Staff supports a recommendation to the City Council to change in the zoning. She showed photos of the neighborhood and explained how the project would fit into the area. She described the designs of the underground parking area and various amenities. To increase usable open space, revisions to the plan now include balconies and patios in many of the units. A required finding to support a parking exception includes "hardship". Studies have shown that with this type of low-income housing, the number of vehicles associated with the units would be less. There is public transportation in front of the building, which will encourage residents to use it. The project will

REGULAR MEETING OF THE PLANNING  
COMMISSION, CITY OF HAYWARD

Council Chambers

Thursday, June 3, 2004, 7:30 P.M.

777 "B" Street, Hayward, CA 94541

use more wood and stucco. Many of the lower floor units are one-story flats and the upper units are mostly townhouses. She noted the planter strip between the sidewalk and the street, which will make this area more attractive, walkable and safe. The final request is to vacate a portion of Lafayette Street, which would meet the intent of the General Plan by providing adequate vehicle circulation and pedestrian use. Staff recommends adopting the mitigated negative declaration and proposing that the City Council approve the project.

Commissioner Thnay commended her on the thoroughness of the report. He asked about the parking survey and asked whether there was an independent confirmation of the numbers. He added that this is high-density housing.

Planning Manager Anderly responded that this study, prepared by MTC, was provided by the applicant and considered adequate.

Commissioner Sacks suggested that there is preparation for paving being done in the area. She suggested someone might want to look into this.

Chairperson Zermefio added his compliments for having a community center in the project and asked where it would be. He also asked about the recommendations in the report and whether these are, in turn, translated into conditions.

Planning Manager Anderly said yes, in fact they have enhanced the designs so that staff is satisfied with the plan they provided.

The public hearing opened at 8:21 p.m.

Jeff Bennett, Director of Real Estate Development for Eden Housing and the applicant, said he and his team would be available for questions. He said they have been in business since 1968. They have had a strong relationship with the City, and have produced 18 projects over the years in the City of Hayward. He said they are cognizant of community needs and have built 8,000 housing units over the years.

Commissioner Fraas asked who was Sarah Conner for whom they are naming the project.

Mr. Bennett explained that she was a recently deceased original board member who had been very involved in Eden Housing and the community throughout the years.

Commissioner Thnay asked about the residency process and how the selection process works.

Mr. Bennett said that with the need for this type of housing, the applications are plenty. They use a lottery process but focus first on Hayward residents. Applications will be available at City Hall as well as the Library.

Chairperson Zermeño commented on the community room and asked whose idea it was. He congratulated them all.

Mr. Bennett said there need to be things for the children to do. As to the funding they are by low-income tax credits and Block Grant funding. Staff people do the teaching and are paid from the cash flow for the rentals on the properties.

Mike Pyatok, architect for the project, said he was available for questions.

Commissioner Sacks asked how such a good design is being achieved without appearing cheap.

Mr. Pyatok said they have learned how to carefully utilize the budget and spend on what will impact people's lives while not over-spending on the areas no one will see. He noted that they are careful to meet all of the code requirements but tend to make more expenditure on colors and trim. Their budgets are not that much less than what might be needed to do a market-rate development. This is a public investment and so they are built to last. It's a public investment.

Chairperson Zermeño commented that a few years ago, they reviewed plans in which there would be more affordable units from which the fire suppression sprinklers were to be excluded in order to keep the costs down, whereas in this one they are everywhere.

Charlie Cameron said he lives directly behind this project. He said he supports the project but noted traffic problems in the area as well as public transit issues. AC Transit routes have been changed to trunk lines in this area, although there is also a new housing project in Union City. He suggested that with this amount of population in the area, perhaps AC should reconsider adding the route back. He said a traffic light might be needed there. He asked what would happen with the Super Mexico burrito truck and walk area. There is a lot of traffic in the area which moves fast. He said there is major construction on the streets right now, they are cosmetically fixing the curb cuts.

Asres Kaffel said he was glad to see something being done in this area. He asked whether they would be for sale or rent. He asked for more explanation about the neighbors they would have.

Mr. Bridges, representing the applicant, explained that these are rental units. This community will have a lot of compliance issues to deal with. He pointed to the 18 projects throughout the City and said they would be happy to show anyone around them.

Dr. Kaffel asked whether this is Section 8 Housing as well as the income level of the tenants.

Chairperson Zermeño suggested that he get together with the Eden Housing people and visit the other locations.

Commissioner Bogue said it might be a good time to ask about the standards and how the project operates. It is a legitimate concern when having a high-rise apartment building in the neighbor to wonder about the new neighbors.

Mr. Bridges said it is not a Section 8 Housing Project for which people have vouchers. This



program is targeted to people making incomes 30 to 60% of medium, such as an income of \$52,000 a year for 4 bedrooms. The income level will be from \$30,000 to \$60,000 a year. It is an apartment project. Their property management firm is strict about the rules. If they are not followed they tenants will be evicted.

Commissioner Sacks asked about the underlying concern that those people with no money will tear up the neighborhood.

Tobias Rivera, Director of Property management for Eden Housing, said they are committed to providing safe and decent housing to families of low income throughout the area. He noted that they conduct criminal background checks as well as credit checks. They are committed to a safe and long-term housing environment. The screening criteria is detailed, and enforced. There are rules for which residents are accountable. There is zero tolerance for graffiti. They are pro-active in getting others involved within the community.

The public hearing closed at 8:43 p.m.

Commissioner Sacks **moved**, seconded by Commissioner Bogue, to move the recommendation to the City Council with all of the staff recommendation.

Commissioner McKillop said it was a pleasure to sit on CAC. It was an excellent report and she is excited with the project. She would support the motion.

Commissioner Thnay said this is a great help to alleviate the high cost of housing. He suggested that with landscaping perhaps there could be a change of trees, something unique and different. Make a statement of a nice tree. He also suggested that the transit access should be considered as to where they can people get too when they get on the bus.

Commissioner Fraas also sat on the CAC and was thrilled that she gets to make a recommendation of this project. It is a great project. She was also glad that the Fairway Homes Association is on board for it. She commented that the crosswalk might be moved as might the moving the bus stop as to traffic. She added her thanks to Ann Bauman and staff for all their work on this project.

Commissioner Bogue suggested that staff might contact AC Transit and alert them to this project as well as Tamarack, the one in Union City. They might be on the lookout to increase service and times.

Chairperson Zermeño thought that maybe this would help AC increase their traffic and services.

The motion passed unanimously 6:0, with one vacancy.

#### ADDITIONAL MATTERS

**DRAFT**





## **CITY OF HAYWARD AGENDA REPORT**

Meeting Date: 06/03/04

Agenda Item: 2

**TO: Planning Commission**

**FROM: Dyana Anderly, AICP  
Planning Manager**

- SUBJECT:**
- I. Zone Change (PL-2004-0188) – Request to Amend the Zoning District from Neighborhood Commercial (CN) to High Density Residential (RH);**
  - II. Site Plan Review (PL-2004-0191) to construct 57 Affordable Family Apartments;**
  - III. Exception (PL-2004-0192) to Reduce the Required Number of Parking Stalls from 117 to 101; and**
  - IV. To Vacate a Portion of Lafayette Street and Reconfigure Lot Lines to Create One Parcel.**

**Eden Housing, Inc. (Applicant), Estate of Ross S. Rasmussen (Owner)**

**The project site is located at 32519, 32525 and 33527 Mission Boulevard.**

### **RECOMMENDATION:**

That the Planning Commission recommend that the City Council approve the Mitigated Negative Declaration, the zone change to High Density Residential (RH), the site plan review, the parking exception, and the Mitigation Monitoring Program; and that the Planning Commission find that the vacation of a portion of Lafayette Avenue is consistent with the General Plan.

### **DISCUSSION:**

The applications filed by Eden Housing are intended to lead to construction of 57 affordable rental housing units. City staff has been working with the applicant in the development and financing of the proposed project.

#### **I. Zone Change**

The applicant is requesting to change the zoning of three parcels totaling 1.91 acres to RH in order to construct a 57-unit multi-family development. The site contains a former dairy, a vacant service station, as well as small retail shops (flowers, Laundromat, etc.). If rezoned, these

structures would be razed to accommodate residential development permitted in the RH District. The existing structures have no historic significance, and the site lacks mature trees of any significance. In evaluating the zone change, the Planning Commission should consider the following:

- A. *Will the requested zoning designation promote the public health, safety, convenience, and general welfare of the residents of Hayward?*

In staff's opinion, rezoning the property to RH will provide the opportunity to provide needed housing that will promote the public health, safety, convenience, and general welfare of the residents of Hayward. The need for housing is outlined in the City's Housing Element of the General Plan adopted by the City Council in October 2003.

- B. *Are streets and public facilities (existing or proposed) adequate to serve all units permitted when the property is rezoned?*

With the construction of a new upsized water main and sewer pipe by the developer, the streets and public facilities will be adequate to serve all units.

- C. *Will all uses permitted when the property is rezoned will be compatible with present and potential future uses and, further, will a beneficial effect be achieved which is not obtainable under existing regulations?*

A drive-in restaurant and a multi-family development is located to the north of the property; to the east, across Mission Boulevard, is the Chapel of the Chimes cemetery; to the south, across Lafayette Avenue, is a supermarket; and to the west, across Pulaski Drive, is a church, an apartment building and single-family dwellings constructed as part of a tract in the 1950s. Housing permitted in the RH zoning district is typically multi-story, which would serve to buffer the primarily single-family subdivision from highway noise. High-density housing would also complement existing nearby multi-family housing and provide a broader customer base for nearby retail activities.

- D. *Is the proposed zoning in conformance with all applicable, officially adopted policies and plans?*

#### General Plan

The *General Plan* designation for the property is "Commercial – High Density Residential." Typical uses within this category include retail or office uses. However, certain areas along major arterials that are commercially zoned but presently underutilized may be appropriate for high-density residential use. Development proposals within these areas should be evaluated in terms of compatibility with adjoining areas.

The Housing Policies and Strategies of the City's *Housing Element* of the *General Plan* include

- *"Encourage the provision of an adequate supply of housing units in a variety of housing types which accommodate the diverse housing needs of those who live or wish to live in the city."*

The proposal meets this strategy in that RH zoning will provide the opportunity to increase the supply of sought after affordable rental housing units in Hayward.

Suggested implementing measures include:

- *"Promote development of infill housing units within existing residential neighborhoods in a variety of housing types."*

The requested RH zoning will provide the opportunity to construct infill high-density housing units within the Fairway Park neighborhood, which is developed with primarily single-family dwelling.

- *"Encourage high-density residential development along major arterials and near major activity or transit centers."*

The requested RH zoning will provide the opportunity to construct high-density residential development along Mission Boulevard, a major arterial.

#### Fairway Park Neighborhood Plan

The property lies within the Fairway Park neighborhood. One of the goals of the Fairway Park Neighborhood Plan is to *"Ensure that existing zoning and proposed development and land use patterns are compatible with the neighborhood and promote revitalization of the area."* Strategies for fulfilling this goal include:

- *Seek community awareness of and involvement in the review of any proposed development projects which may impact neighborhood (traffic, views, etc.) through public notices, cable television, newspapers, and neighborhood groups, and send individual notices to all property owners, residents and businesses within a 300-foot radius of the project.*

Prior to submittal of the application, the applicant held two neighborhood meetings to describe the project and seek input from the community. Once the application was received by the City, public notices seeking input on the proposal were sent to residents and occupants of properties within 300 feet of the project site and to established neighborhood organizations. Notices were again sent relating to the public hearing. These notices were published in the Daily Review and displayed on the local cable TV channel.

- *For the area along Mission Boulevard just north of Lexington Avenue, consider other zoning designations as may be appropriate for the Clarendon Foods properties in conjunction with an application for rezoning to the PD (Planned Development) District.*

The project site consists of the Clarendon Foods properties. Because an apartment project is being proposed that meets the City's standards for residential development, there is no compelling reason to seek PD zoning.

*E. Do social and economic conditions indicate that the proposed zoning or development is needed at this time?*

There is a great need for affordable housing in the City of Hayward. The Regional Housing Needs Determination by the Association of Bay Area Governments (ABAG) showed that Hayward had a need for 625 units affordable to very low income households and 344 units affordable to low income households. This will be the first affordable rental housing built in the City of Hayward in ten years. The City of Hayward has a lower median family income (\$54,712) than Fremont, San Leandro, Union City and Alameda County as a whole, but it has a higher average household size (3.08) than any of these except Union City. The high average household size indicates combined with low household income shows the need for affordable rental housing with larger, three bedroom units. According to Real Facts, Inc., a real estate information firm, and the HUD very low income calculation for the Hayward area (the Oakland Metropolitan Statistical Area), the average rent for a two bedroom apartment in Hayward is at least \$150 per month more than the rent affordable for a family of three and the average three bedroom apartment is \$400 per month more than the average rent affordable for a family of four.

In making its recommendation, the Planning Commission will be doing so with the understanding that changing the zoning from CN to RH does not assure that the apartment project also being considered will be constructed, although it is the applicant's intention to do so. If changed to RH, other multi-family developments could be considered in the future should the applicant not follow through with the proposed apartment development.

## II. Site Plan Review Application

The site plan review application is for the construction of four, three-story buildings to accommodate 57 dwelling units consisting of:

- 6, one-bedroom units of 600 square feet each
- 29, two-bedroom units of 800 square feet each
- 22, three-bedroom units of 1,150 square feet each
- community center space of 5,88 square feet
- laundry room
- administrative office

The community room will house a computer learning center, resident support services, library, common kitchen and program space. Resident activities and programs, such as job readiness/training, technology education, and after school and summer enrichment youth programs will be offered.

The project is arranged around a central courtyard, which would be visible from most dwelling units. A semi-depressed garage is located under the largest building, which has frontage on Mission Boulevard.

The density of the project is 31 dwelling units per acre where the RH zoning district allows up to 35 dwelling units per acre.

The project involves the acquisition and incorporation of the northern portion of Lafayette Street into the development.

### Building Elevations

Plans show that the buildings are clad with board-and-batten vertical "cement board" and an asphalt shingle roof is indicated. The bulkiness of the large buildings is softened by visual penetrations to interior spaces and by the use of overhangs, indentations, and varied rooflines. The architecture is sensitive to the surrounding residential uses in that exterior elevations are attractive and there are entrances to units from both Lafayette Avenue and Pulaski Drive. As viewed from Pulaski Drive, there are no abrupt changes in height as the adjacent structure to the south is a two-story apartment building.

Staff recommends that the building materials be more interesting, using a mixture of horizontal siding to play down the vertical appearance of the building and that there be a greater use of stucco on the lower level (encompass at least the entire first floor elevations) to create more variety in building materials.

The interior elevations are more modest in appearance and could be further enhanced with the addition of balconies (which would provide private open space to other than ground-floor units) and enhanced window design, using awnings or trellises, offsets, more interesting and substantial

trim, or architectural features to separate windows. The band of upper floor windows results in an appearance of a continuous unit rather than providing visual separation and breaking up the horizontal aspects of the building, and staff recommends that this repetitiveness be modified to provide more interest. Also recommended is the inclusion of additional windows along Building C as viewed from Lafayette Avenue

As viewed from Pulaski Drive, a metal, roll-up garage door is indicated. Staff recommends that a more decorative appearing, view-penetrating material be used.

Staff's suggestions regarding design have been incorporated into the conditions of approval.

### Floor Plans

Five floor plans are proposed.

Floor plan "A" is a three-bedroom, two-bath unit on one level.

Floor plan "B" is a three-bedroom, one and one-half bath unit on two levels.

Floor plan "C" is a two-bedroom, one bath unit on two levels

Floor plan "D" is a one-bedroom, one-bath unit on one level.

Floor plan "E" is a three-bedroom, two-bath unit on three levels.

The variety of unit types is intended to meet the needs of anticipated tenants.

### Landscaping

Currently, there is only a 6-foot-wide sidewalk area along Mission Boulevard, which does not provide enough space for an adequately sized sidewalk and a planter area that separates the sidewalk from the heavily trafficked highway. Although not a requirement, the applicant is proposing to landscape the area next to the highway that is designated for a sidewalk and to provide a walkway within the private property. This limits the amount of landscaping possible between the walkway and the building to 15 feet, where 20 feet is typically found; however, staff believes that the proposal is the preferred solution since there will be a cumulative amount of landscaping to equal the 20 feet otherwise found between the building and the right-of-way and a safer walkway will be provided for this family-oriented residential development.

A 35-foot-deep landscaped yard area is proposed along Lafayette Avenue, which exceeds the 20-foot setback requirement. A 4-foot-high picket fence is proposed to be set back 5 feet from the inside edge of the sidewalk to provide space for shrubbery to soften the impact of the fence. The remaining 30-foot-deep yard will provide a secondary recreation area for the residents of the development, although technically it cannot be counted toward meeting the open space requirement as it constitutes a required front yard area and the noise levels exceed acceptable standards for outdoor use in concert with a multi-family project. Low walls or fences suggest spatial separation or definition of territory; and to accomplish this while integrating the development into the neighborhood, staff suggests limiting the height of the fence to no more than 3 feet. (See Condition of Approval No. 14.)

### Usable Open Space

At least 19,950 square feet (0.46 acre) of open space is required for the project, with at least 100 square feet per unit available in "group" open space (5,700 square feet). The plans reflect approximately 12,251 square feet in group usable open space, and approximately 5,576 square feet of private open space in the form of private grade-level yards, for a total of 17,825 square feet. As indicated above, the yard area adjacent to Lafayette Avenue serves as a secondary recreation area, and this area constitutes an additional 3,780 square feet. However, because this area constitutes much of the front yard and the noise levels in this area exceed acceptable levels for outdoor recreation associated with multi-family dwellings, the use of this area cannot be counted toward meeting the usable open space requirement. To further increase the amount of usable open space, staff recommends that balconies be incorporated into the design of the building (minimum 6' x 10') which would serve two purposes: enhance the design of the building by providing greater relief and provide private open space to dwelling units that would not otherwise enjoy it. When balconies are included, all minimum usable open space requirements will be met. The applicant has agreed with this recommendation, and it has been included as a condition of approval.

### Consistency of Development with City Policies

In order to approve a Site Plan Review application, the finding must be made that the project is consistent with the intent of City development policies and regulations. Staff has outlined the applicable policies and believes that the project is consistent with them.

The City's Housing Element states, "*Encourage developers to create housing units that accommodate varied household sizes and income levels.*" The proposed development is consistent with this policy. The Housing Element also encourages the development of affordable housing. Suggested implementation measures include:

- *Generate housing affordable to low and moderate income households through participation in federal and state housing subsidy and mortgage bond programs and in count or non-governmental programs.*

The proposed project will obtain federal and state low-income tax credits and an allocation of federal HOME funds is being requested for affordable rental housing from the City of Hayward.

- *Work with the for-profit and nonprofit development community to create affordable housing.*

The project is the result of collaboration between the City and Eden Housing, a non-profit developer of affordable housing projects.

A policy of the Fairway Park Neighborhood Plan states, "*Improve the quality of development by adhering to adopted design standards and guidelines.*" The proposed development adopted design standards and guidelines or has justified exceptions (parking) and provided compensation (open space).

Another policy of the Fairway Park Neighborhood Plan states, *"Encourage more integrated development on the dairy and adjacent properties; seek improvements in building design and appearance; minimize traffic and noise impacts on adjacent residential areas."* The proposed development provides a use on the dairy and adjacent properties that improves the appearance of the area, addresses and improves traffic circulation, and will not have noise impacts on adjacent residential areas.

The Fairway Park Neighborhood Plan states, *"Enhance the safety and efficiency of the circulation pattern and encourage alternative modes of transportation."* Strategies for accomplishing this goal include:

- *"Evaluate alternative measures to slow or reduce through traffic within the neighborhood, such as installation of stop signs at certain intersections (e.g., Lafayette)"* The project involves the vacation of the northern portion of Lafayette Street, which will serve to slow traffic as it approaches the neighborhood.
- *"Evaluate the feasibility of additional traffic signals at intersections with Lafayette Avenue and/or Blanche Street ... "* The project includes the installation of a traffic signal at the corner of Lafayette Avenue and Mission Boulevard.



### III. Parking – Exception Application

For multi-family residential projects, the City's Off-Street Parking Regulations require at least 1.7 parking spaces for one-bedroom units and at least 2.1 parking spaces for units of more than one bedroom. Credit is given for bicycle parking. At least one covered parking space is required for each unit. Although the project is situated on a major bus route, unlike a commercial project there is no credit provided for a residential development near a major bus route. And, although the Parking Regulations allow for fewer stalls for senior projects and projects in the downtown area, there are no built-in exceptions for projects designed for low-income individuals. For the proposed project, 117 parking stalls are required, and 103 are proposed, plus an area for bicycle parking. There is covered parking for 58 vehicles.

The Planning Director, or the Planning Commission upon referral by the Planning Director, may grant an exception to the parking regulations. Because the requested exception is part of a larger development proposal, the matter is being referred to the Planning Commission, and it is recommended that the Planning Commission recommend that the City Council approve the parking exception.

One of the findings necessary to support a parking exception and that *"Literal interpretation of this article would cause a hardship or deprive the applicant of rights enjoyed by others in the same district, who have applied for parking since adoption of this ordinance."* This finding relates only to parking exceptions and includes a provision for "hardship," which staff believes can be justified by the supporting documentation and the report outlining "Vehicle Ownership for Low-Income Renter Households" (see Attachment F). This report cites a study by the Metropolitan Transportation Commission that concludes that lower-income households own fewer vehicles per households than the average number of households in the Bay Area and that renters own fewer vehicles than owners of the same income level. The report concludes that the actual parking demand for lower-income renters is between 1.3 and 1.64 parking spaces per unit, which for subject project would be between 76 and 94. Also, a survey of two assisted housing projects Hayward operated by Eden Housing showed similar results. Considering these data and the support for the necessary findings, staff recommends approval of the parking exception. It should also be pointed out that, unlike most properties, the project site has three street frontages where on-street parking will be available on two of them.

#### **IV. Vacation of a Portion of Lafayette Avenue**

The project involves the vacation of the northern portion of Lafayette Street that abuts the subject property. Once vacated, the intent is to merge that portion with the remainder of the property designated for development. A condition of approval requires merging the various parcels and the street fragment to accommodate the development. The Planning Commission is charged with the responsibility of determining that the vacation of City-owned land is consistent with the General Plan. While the General Plan does not directly address vacation of public lands, it does address creating improved and safer circulation facilities for pedestrians. The reduction in the width of Lafayette, coupled with the installation of a traffic signal, will provide easier access throughout the area for pedestrians while not impeding traffic flow.

#### **ENVIRONMENTAL REVIEW (CEQA):**

This proposal is defined as a "project" under the parameters set forth in the California Environmental Quality Act (CEQA) Guidelines. However, there will be no significant environmental impacts that will not be mitigated, as determined from staff's Environmental Checklist. Therefore, a Mitigated Negative Declaration has been prepared in the event that the Planning Commission recommends for approval of the project. A Mitigation Monitoring Program has prepared to address how identified potential environmental impacts will be monitored. (See Attachment D.)

#### **Traffic**

A Traffic Analysis Report for the project was prepared by Pang Engineers, Inc. (see Attachment G). The report recommends realigning the pedestrian crosswalk at Mission Boulevard and Lafayette Avenue, relocating the AC Transit bus stop from its current location to the south, taking measures to ensure adequate visibility for motorists existing the project parking structure, a possible stop sign at Lafayette Avenue and Pulaski Drive, and a new traffic signal at the corner of Mission Boulevard and Lafayette Avenue. Recommendations for traffic-related improvements found in the Traffic Analysis Report have been incorporated into the conditions of approval. While the traffic report specifically addresses the traffic and circulation associated with the proposed 57-unit development, mitigation measures that address traffic impacts would not differ from other projects that could be considered under RH zoning, where a maximum of 66 dwelling units could be constructed.

#### **Hazardous Materials**

A Phase II Environmental Site Assessment was prepared for the site by Rick Widebrook, registered geologist. A copy of this Assessment is on file in the Planning Division offices. There may be potential impacts from the use of the property as a former service station and a dry cleaning establishment. The Assessment concluded that the subsurface soil and groundwater onsite do not contain significant environmental impacts due to the previous uses of the properties. It was pointed out, however, that isolated instances of residual contamination that are noticeably volatile may be encountered during soil excavation during redevelopment of the site,

particularly beneath the floor slab of Hillview Center. If found, this information must be reported to the City's Hazardous Materials office for appropriate remedial action.

### Noise

Located on a major highway, the project site is subjected to noise levels that exceed the City's standard for acceptable noise levels for residential development. A noise analysis, prepared by Shen Milsom Wilke, indicates that exterior walls for buildings closest to Mission Boulevard will require special consideration to limit traffic noise inside the residential units. In addition, sound-rated window and door assemblies will be required on selected exterior elevations. The City's goal for acceptable noise within indoor areas is an  $L_{dn}$  of 45 dB. It is recommended that since some of the windows may be closed for noise control, those dwelling units requiring noise mitigation measures also be provided with a mechanical ventilation system such as air-conditioning. The mitigation measures identified in the noise study have been incorporated as conditions of approval and within the Mitigation Monitoring Program.

### Schools and Parks

The property lies within the New Haven Unified School District, which primarily serves Union City and southern parts of Hayward. Students from the project would attend Hillview Crest Elementary School, Barnard-White Middle School, and Logan High Schools. These schools are currently at or are over capacity. State law prohibits denial of a housing development based on lack of adequate school facilities. Rather, the per square foot school fees for residences is intended to satisfy the developer's obligation for schools. This project has been brought to the attention of the New Haven Unified School District.

There are no parks near the property. Because the project consists of rental housing by a private non-profit corporation with rents that remain affordable over the long term, this project is exempt from the requirement to pay park in-lieu fees.

### **PUBLIC NOTICE:**

Before submittal of the development application, the applicant held two meetings with the residents of Fairway Park -- one on February 9, 2004 and one on March 16, 2004. Hayward residents within 1,000 feet of the proposed project were notified about each meeting. Approximately 25 people attended each meeting. The first meeting was designed so that residents could become familiar with the proposed project, review the site plan, and tell the developer and architect issues and items that were important to the neighborhood. At the second meeting, changes made to the proposed project as a result of the first meeting were reviewed and discussed with residents. As a result, the Fairway Park Neighborhoods Association has informed the City that, "*The Fairway Park Neighborhoods Association is in full support of this project.*"

Upon receipt of the development application, a referral notice was mailed to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records asking for comments on the project.

On May 14, 2004, a notice of public hearing and preparation of a Mitigated Negative declaration was published in the Daily Review and mailed to property owners and occupants within 300 feet

of the project boundaries, the Fairway Park Neighborhood Association, former members of the Fairway Park Neighborhood Plan task force, and appropriate public agencies.

## CONCLUSION

The requested zone change is consistent with the General Plan designation of the property of "Commercial – High Density Residential" and the intent of the Housing Element to locate high-density housing along major transportation corridors. The development proposal would provide much-needed affordable rental housing that meets site development standards and provides parking that is supportive of the needs of the residents.

Prepared by:

  
Dyana Anderly, AICP, Planning Manager

### Attachments:

- A. Area Map
- B. Findings for Approval
- C. Conditions of Approval
- D. Negative Declaration, Environmental Checklist, Mitigation Monitoring Program
- E. Letter from Applicant re Findings for Parking Exception
- F. "Vehicle Ownership for Low-Income Households"
- G. Traffic Analysis Report Prepared by Pang Engineers  
Plans and Exhibits

## **Parking Exception Application No. PL. 2004-0191**

32519, 32525, 32527 Mission Boulevard

Eden Housing, Inc. (Applicant)

Estate of Ross S. Rasmusson (Owner)

- A. There are special conditions or circumstances peculiar to the property involved that do not apply generally to property in the same district in that the property is on a major transportation corridor with a bus stop directly adjacent and the use thereon will be dedicated to the sole use of low-income families who are more likely to use public transportation and whose number of vehicles per dwelling unit have been shown to be less than the requirement of the City's Off-Street Parking Regulations.
- B. Literal interpretation of this ordinance would cause a hardship in that the actual parking demand is projected to be less than the number of parking stalls required and to require additional per/unit parking stalls would result in the loss of much-needed affordable housing units.
- C. The granting of the exception does not grant a special privilege inconsistent with the limitations on other properties in the same district; for example a reduced parking requirement was applied to a senior housing project relatively recently approved on Mission Boulevard to the north of the project site where the parking demand is recognized as being less than for more conventional multi-family housing.
- D. The granting of the exception will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the requirements set forth in this article as nearly as is reasonably possible, and because there are two street frontages adjacent to the parcel, any overspill parking is not likely to intrude into the adjacent residential neighborhood.
- E. The granting of the exception will not create a safety hazard or nay other condition inconsistent with the purposes of this article in that adequate off-street parking will be provided.

## **Vacation of the Northern Portion of Lafayette Street**

32519, 32525, 32527 Mission Boulevard

Eden Housing, Inc. (Applicant)

Estate of Ross S. Rasmusson (Owner)

The Planning Commission finds that the vacation of the northern portion of Lafayette Street is not inconsistent with the General Plan in that a portion of Lafayette Avenue will be reduced in width to create a more pedestrian friendly atmosphere while providing adequate travel lanes for motor vehicles.

**CONDITIONS OF APPROVAL**  
**Site Plan Review Application No. PL-2004-091**  
**32519, 32525, 32527 Mission Boulevard**

**General**

1. Site Plan Review Application No. PL-2004-0188 is approved subject to the specific conditions listed below. This permit becomes void on year following the final approval date unless either a building permit has been issued or a building permit application has been submitted for processing and said application has not expired. A request for a one-year extension, approval of which is not guaranteed, must be submitted to the Planning Division 15 days prior to the above date. Any proposal for alterations to the proposed site plan and/or design, which does not require a variance to any zoning code, must be approved by the Planning Director prior to implementation.
2. The permittee shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
3. All fencing, parking and street surfaces, landscaping, lighting, trash enclosures, drainage facilities, project signs, building surfaces, etc, shall be maintained in good repair. The premises shall be kept clean. Any graffiti painted on the property shall be painted out or removed within seven days of occurrence.
4. A copy of these conditions of approval shall be incorporated onto the face sheet of the building permit plans.
5. A parking stall at the ends of parking aisles shall be cross-hatched to provide for turn-around by motorists unable to locate parking.

**Construction Waste Management Plan**

6. The applicant is required to submit for review by Solid Waste Program staff an on-site recycling plan. The plan must be implemented during the entire demolition and construction phases, as well as upon occupancy of the site. The plan must 1) show the anticipated start and completion dates of the project; 2) estimate the quantities of construction and demolition waste that will be generated by the project in cubic yards or tons; and 3) estimate the quantities of material that will be recycled, salvaged and disposed of, and identify the vendor(s) or facilities that will be used.
7. The applicant must submit for review by the Solid Waste Program staff a Construction & Demolition Debris Recycling Statement.

8. The National Pollution Discharge Elimination System (NPDES) standards shall be met. A Notice of Intent permit is required from the Regional Water Quality Control Board prior to the start of any grading. The applicant shall submit a construction Best Management Practice (BMP) program for review and approval by the City prior to the issuance of any building or grading permits. These BMPs shall be implemented by the general contractor and all subcontractors and suppliers of material and equipment. Construction site cleanup and control for ensuring that all contractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop work order. The NPDES program shall include the following items"
- a. Gather all construction debris on a regular basis and place them in a dumpster or other container, which is emptied or removed on a weekly basis. When appropriate, use traps on the ground to collect fallen debris or splatters that could contribute to storm water pollution.
  - b. Remove all dirt, gravel, rubbish, refuse and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work.
  - c. Broom sweep the sidewalk and public street pavement adjoining the project site on a daily basis. Caked mud or dirt shall be scraped from these areas before sweeping.
  - d. Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site prior to: 1) start of the rainy season (October 15), 2) site dewatering activities, or 3) street washing activities, 4) saw cutting asphalt or concrete, in order to retain any debris or dirt flowing into the City storm drain system as necessary. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles in the trash.
  - e. Create a contained and covered area on the site for the storage of bags of cement, paints, flammables, oils, fertilizers, pesticides or any other materials used on the project site that have the potential for being discharged to the storm drain system through being windblown or in the event of a material spill.
  - f. Ensure that concrete/gunite supply trucks or concrete/plasters finishing operations do not discharge wash water into street gutters or drains.

### **Landscaping**

9. Before issuance of a building permit, detailed landscaping and irrigation plans, including details of features such as benches, pavement materials, benches, fencing material, trellises, playground equipment and common area amenities such as barbeques, etc., The landscape and irrigation plans shall be prepared by



a licensed landscape architect and submitted for review and approval by the City. Landscaping and irrigation plans shall comply with the City's *Water Efficient Landscape Ordinance*, which includes a requirement that landscape areas not exceed a maximum 50 percent Fescue turf.

10. Street Trees. One street tree is required for every 25 – 40 feet of frontage. Spacing of the trees is dependant on the species of trees. Smaller trees will require closer spacing. Trees must be planted to fill vacancies in the street tree pattern, and to replace any declining or dead trees. Trees shall be planted according to the City Standard Detail SD-122.
11. Landscape design must recognize the existence of underground utilities.
12. Parking and loading areas shall be screened from the street with shrubs, masonry walls or earth berms, as determined by the Planning Director. Where shrubs are used for screening, the type and spacing of shrubs shall create a continuous 30-inch-high hedge within two years. This measurement shall be from the top of curb.
13. Use decorative metal fencing or decorative concrete-filled bollards about the central courtyard where it abuts vehicle circulation areas.
14. If a fence is installed about the development, set the fence back at least 5 feet from the Lafayette property line. Fencing must incorporate decorative materials, such as metal fencing between brick pilasters or a picket fence and not exceed 3 feet in height.
15. Landscaped areas adjoining drives and/or parking areas shall be separated by a 6-inch-high class "B" Portland Cement concrete curb.
16. A complete automatic sprinkler system with an automatic on/off mechanism shall be installed and maintained within all landscaped areas.
17. Masonry walls, solid building walls, trash enclosures or fences facing a street or driveway shall be continuously buffered with shrubs and vines. All above ground utility meters and mechanical equipment shall be screened from the street or drives with shrubs. Transformers shall be underground.
18. Landscaping shall be installed per the approved landscaping and irrigation plan and a Certificate of Substantial Completion and an Irrigation Schedule shall be submitted prior to issuance of a Certificate of Occupancy.
19. Landscaping shall be maintained in a healthy, weed-free condition at all times and in substantial conformance with the approved landscape plan. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30 percent die-back) shall be replaced within ten days of the inspection. Trees shall not be severely pruned, topped or

pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to Municipal Code.

### Design

20. The exterior of the building shall be clad in varying building materials, such as a mixture of stucco and lap siding. The design shall incorporate a greater use of stucco at lower levels (at least the lowest 20 percent) and, for example, horizontal siding on upper floors to play down the vertical impact of the building, greater definition of windows, and additional windows along the Lafayette Avenue frontage (Building C). The design is subject to the approval of the Planning Director prior to
21. The design of the interior elevations shall be enhanced with a varied color scheme, the addition of cantilevered balconies inset into the buildings with painted trellises above (8' x 10') which would provide private open space to other than ground-floor units) and enhanced window design, using awnings or trellises, offsets, more interesting and substantial trim, or architectural features to define windows. The bands of upper floor windows shall be designed to provide a visual separation and to break up the horizontal aspects of the building. Additional windows shall be installed along Building C as viewed from Lafayette Avenue, and the design of the exterior stairs on Building C shall facing Lafayette Avenue shall be improved by incorporating a design that appears as an integral part of the building. Patios shall incorporate gates to prevent intruders. All modifications to design shall be reviewed and approved by the Planning Director prior to issuance of a building permit.
22. The buildings shall incorporate a color scheme of at least three colors. The final colors and materials used on the exterior of the building shall be submitted for approval by the Planning Director prior to issuance of a building permit.
23. No mechanical equipment, or solar collectors, may be placed on the roof unless it is incorporated into the design of the roof. Prior to construction, documentation shall be provided that the roof-mounted mechanical equipment is adequately screened.
24. Balconies shall be constructed so that the area of the balconies provides adequate area to meet the City's Usable Open Space Requirement.
25. On the garage entry off Pulaski, provide a design for a decorative material for the garage access that would allow motorists and pedestrians to view the interior of the project site. The design shall be approved by the Planning Director prior to issuance of a building permit.

### **Trash Enclosures**

26. The design of the trash enclosure shall be decorative and covered. Plans must indicate the following:
- a. A 6-inch wide curb or parking bumper must be provided along the interior perimeter of the enclosure walls to protect them from damage by the dumpster. A minimum space of 12 inches must be maintained between the dumpster and the walls of the enclosure and the recycling container to allow for maneuvering the dumpster.
  - b. A 6-inch wide parking bumper, at least 3 feet long, must also be placed between the dumpster and the recycling bins, in order to secure the refuse dumpster in its designated area.
  - c. The enclosure gates and hinges must be flush with the building wall. The gates must open straight out, and the hinges and the gate must be flush with the enclosure wall, in order to allow adequate maneuverability of the dumpster in and out of the enclosure to service it.
  - d. The enclosure must be constructed on a flat area with no more than a 2% grade, in order to ensure that the garbage driver can adequately retrieve and return the dumpster(s) from the enclosure.
  - e. The final capacity (number and size of containers) necessary to serve the project shall be approved prior to issuance of a building permit. Include enclosure details on the building permit application.

### **Signs**

27. Prior to occupancy and the installation of any signs, the applicant shall submit a Sign Program Application to the Planning Director for review and approval. The sign shall be constructed of wood with no internal lighting. The maximum area of the sign shall not exceed 35 square feet.

### **Water Pollution Source Control**

28. If there are to be any roof-mounted HVAC units, no polluted waters from these units shall be discharged to the storm drain via roof drains. Uncontaminated condensate is acceptable for storm drain discharge. The design of the units shall be incorporated into the roof structure and shall not be visible from adjacent streets and sidewalks.
29. No storm water shall be discharged to the sanitary sewer without a Wastewater Discharge Permit, which will be issued only if there is no feasible alternative. This means that if washing takes place in the trash area, the wash water shall be

discharged to the sanitary sewer. If this area is covered and protected from storm water runoff, a permit is not necessary.

30. The sanitary sewer discharge shall be in compliance with all wastewater discharge regulations, prohibitions and limitations to discharge, including the 300-milligram/liter oil and grease limit.
31. Drains in any wash or process area shall not discharge to the storm drain system. Drains shall discharge into an approved collection system. The collection system is subject to the review and approval of the City.
32. Materials, gasoline spill, oil spill, heavy stains, radiator fluid, litter, etc. shall be picked-up by dry methods and sweeping so as not to pollute storm water runoff.

### **Lighting**

33. Exterior lighting shall be maintained which is adequate for the illumination and protection of the premises but does not exceed a light level that provides glare to motorist, now spills onto nearby properties. Exterior lighting shall be designed by a qualified illumination engineer. The fixtures shall be decorative and designed to keep the light from spilling onto adjacent properties. Wall-mounted light fixtures shall not be mounted greater than 12 feet in height. Within the parking lot, the minimum requirement is 1-foot candle of light across the entire surface. Luminaires shall be of a design that complements the architectural style of the building and shall be approved by the Planning Director prior to issuance of the building permit. The maximum height of the luminaires shall be 12 feet unless otherwise permitted by the Planning Director. The lighting and its related photometric plan shall be reviewed and approved by the Planning Director. Lighting standards shall be placed so as to not conflict with the location of trees or where they would shine directly into windows.
34. The developer shall insure that the streets that abut the subject property, or are immediately impacted, are illuminated according to City Standard SD-120. Any additional or modified street lighting shall be designed and installed by the developer in accordance with SD-120 Street Lighting Standards and in cooperation with the City and PG&E. Underground wiring shall be utilized when appropriate. The electroliers shall be in operating condition before occupancy permits are approved.

### **Utilities - Water**

35. The developer shall be responsible for payment to the City of Hayward Water System for the costs associated with the following work
  - a. Abandon the existing water main located within the easement parallel to Mission Boulevard which will be affected by the development.
  - b. Abandon the existing water main on Lafayette which will be affected by the development.

- c. Construct a new 8inch water main on Lafayette 5 feet from the face of the new curb line.
- 36. The developer shall reimburse the City of Hayward for this project's share of the cost of the following capital improvement projects which are necessary for and benefit this development. The estimated project's share of the construction cost for improvements which will have been completed by the City in the summer of 2004 is \$102,000.
  - a. Upsizing the existing 8-inch sewer pipe to 18-inch (722 LF) at Carroll Avenue between Rousseau and Fairway Street.
  - b. Constructing an 8-inch (130 LF) sewer bypass system at Meadowbrook Avenue between Rousseau and Fairway Street.
- 37. Fees associated with water and service shall be those in effect at the time of the building permit application. Current Water Facility Fees are \$3,842 per one-family dwelling in a multiple dwelling. Current Sewer System Connection Fess for a Multi-family residential is \$3,468. Water Facility fees will increase to \$4,343 on October 1, 2004. Sanitary Sewer Capacity Charges will increase to \$3,917 on October 1, 2004.
- 38. Keys/access code/automatic gate opener shall be provided to utilities for all meters enclosed by a fence/gate as per Hayward Municipal Code 11-2.02.1.
- 39. Only Water Distribution Personnel shall perform operation of valves on the Hayward Water System.
- 40. The development shall be served by radio read meters.
- 41. Construction plans shall incorporate all water meters and hydrants.
- 42. The applicant shall connect all unit plumbing to the correct meter as marked by the City before water service is provided.
- 43. A final statement of water main extension costs shall be submitted to the Hayward Water Department prior to application for metered water service.
- 44. Operation of valves in the Hayward Water System shall be performed by Water Bureau Personnel only.
- 45. Prior to issuance of a building permit, the gallon-per-minute water demand shall be shown on plans to determine the proper meter size and approved by the Water Department. The developer shall install reduced pressure backflow preventer for domestic meter and double-check backflow preventer for irrigation meter per City SD201 & 202.
- 46. Installation of a separate irrigation meter to avoid sanitary sewer charges on water used for landscape purposes is recommended.

47. Maintain a 6-foot lateral distance between sanitary sewer laterals and city water services. Water mains shall have a ten-foot lateral separation from the sanitary sewer main. Water meters shall be a minimum of two feet clear of top of driveway flares.

### **Fire Department**

48. The plans are reflecting an emergency vehicle access driveway for Fire Department vehicles. Redesign the turning radius off Lafayette to accommodate Fire Department apparatus. The removable steel bollards are not allowed.
49. An electric gate, or other mechanism acceptable to the Fire Chief, is required in lieu of bollards.
50. Install a turf-block surface where Fire Department access is indicated except where needed for pedestrian access or waste truck access. Fire Department access is not needed on the private auto court (section from Pulaski Drive to the turf-blocking).
51. Access gates must be identified as manually operated and/or electrically operated (automated). If gates are electrically operated, a Fire Department key switch shall be installed in an approved location as required by the Fire Department. Manually operated gates shall be installed with Fire Department lock boxes.
52. Red-curbing and fire lane signage is required for the driveway access from Pulaski Drive.
53. Building permit plans shall reflect all existing fire hydrants along Lafayette Avenue and Pulaski Drive. Additional fire hydrants may be required for the development if the current locations are not in acceptable locations. The locations of these fire hydrants (existing and new) shall be reviewed and approved by the Fire Department. Fire flows shall meet a minimum of 2,500 GPM at 20 PSI (50% reduction granted for automatic fire sprinklers).
54. Building permit plans shall identify fire hydrant locations (existing and new) as well as fire service lines reflecting the underground fire service laterals to the buildings the fire sprinkler riser locations (within the building).
55. All structures shall be fully protected with an automatic fire sprinkler system conforming to NFPA 13 Standards.
56. A dedicated underground fire service line shall be installed for each building and shall conform to NFPA 24 Standards.
57. A Class 1 standpipe system is required. Wet standpipe outlets shall be installed within the plaza/courtyard areas of the building fronting Mission Boulevard.

Three story units will not have a corridor or common stairwell, thus the requirement may be deleted. Dry standpipes will not be allowed. Location of standpipe outlets shall be approved by the Fire Department.

58. Exterior alarm bells shall be provided on each fire sprinkler system riser.
59. Interior audible alarm devices shall be installed within each unit and shall be interconnected to the fire sprinkler system water flow. Any water flow activity shall be capable of setting the audible signaling devices off;
60. Apartment units where handicapped individuals are living shall also have a visual device installed (as part of the fire sprinkler system);
61. A manual and automatic fire alarm system will be required conforming to Article 10 of the CFC (California Fire Code) and NFPA 72 Standards. Manual pull stations and audible/visual devices shall be installed in all common areas. In addition, common areas of the building shall have smoke detectors installed, and they shall be interconnected to the buildings fire alarm panel.
62. Interior (single-station) residential smoke detectors shall be installed within each apartment unit as per the California Building Code (CBC). Single-station smoke detectors shall not be interconnected to the buildings fire alarm panel.
63. Common areas such as laundry rooms, utility closets, and recreational rooms shall have heat detectors installed per CFC, Article 10 and NFPA 72 Standards.
64. If an elevator is installed, all state related codes shall be applicable for the installation. Recall services shall also be met per NFPA 72 Standards.
65. Portable fire extinguishers shall be installed in common areas, laundry rooms, recreation rooms, or in other areas as required by the Fire Department;
66. Building addressing shall be reviewed and approved by the Fire Department;
67. Exiting shall meet Chapter 10 of the CBC.
68. Building addresses shall be installed on the structure so as to be visible from the street and shall contrast with the building background. The numbers/letters shall have a minimum height of 6" with a 1/2-inch stroke per UFC 10.301a.
69. Additional noise-attenuating construction shall be used on dwelling units above the Pulaski driveway entry with automatic gate/garage door.

### **Engineering**

70. All work in the City's public right-of-way requires an encroachment permit from the City, and all work in the State's right-of-way requires an encroachment permit from Caltrans.
71. The existing water main on Lafayette Avenue shall be relocated on the road way area and 5 feet away from the face of the curb.
72. Since the public utilities along Lafayette Avenue are to remain, the landscape plan must be coordinated with existing utilities that remain in the abandoned portion of Lafayette Avenue
73. All on-site storm drain inlets must be labeled "No Dumping – Drains to Bay," or equivalent, using methods approved by the City.
74. Prior to the commencement of any clearing or grading of the site, the developer shall submit evidence to the City that a Notice of Intent (NOI) has been submitted to the State Water Resources Control Board.
75. The owner shall prepare a Storm Treatment Measures Maintenance Agreement (available at Engineering and Transportation Division); the Maintenance Agreement shall be recorded with the Alameda County Recorder's Office to ensure that the maintenance is bound to the property in perpetuity.
76. Prior to the issuance of a grading permit and/or the beginning of any construction activity on-site, the Developer's Engineer shall complete a Development Building Application Form Information: 1) Impervious Material Form, and 2) Operation and Maintenance Information Form.
77. A Storm Water Pollution Prevention Plan (SWPPP), showing how storm water quality will be protected during and after construction, shall be submitted for review and approval of the City Engineer.
78. Trash enclosures shall be covered. The design of the trash enclosures shall be approved by the Planning Director prior to issuance of a building permit.
79. The Developer's Engineer shall provide hydraulic calculations to analyze downstream impact. The storm drain system shall be reviewed and approved by the ACFC & WCD.
80. The existing driveways, curb, gutter and sidewalk shall be removed along the entire property frontage and replace with standard curb, gutter and sidewalk.
81. A portion of the realigned Lafayette Avenue shall be reconstructed with a crown as per City Standard Detail SD-102. Provide street cross section to determine the limits of street reconstruction.



82. Install two standard electroliers, one at the corner of Mission Boulevard/Lafayette Ave. and the other at the corner of Lafayette Ave./Pulaski Drive
83. If the water main along Lafayette Avenue is to remain, the landscape must be coordinated with existing utilities that remain in abandoned portion of Lafayette Avenue.
84. The 6-inch water main parallel to Mission Boulevard under the parking garage shall be abandoned.
85. A grading and drainage plan shall be submitted that meets approval of the City Engineer. Drainage shall be designed so that run-off is collected in on-site catch basins and directly delivered to curb drains per City of Hayward SD-118. All catch basins shall be equipped with fossil filters. The plan shall include the following:
- a. That all storm water is conveyed into City of Hayward or Alameda County Flood Control District facilities.
  - b. Structural controls such as oil/water separator, sand filter or fossil filter or other approved devices per applicant's discretion which accomplish the same shall be installed to intercept and treat storm water prior to discharging to the storm drain system. The design, location, and a maintenance schedule shall be submitted to the City Engineer for review and approval prior to the issuance of a building permit.
  - c. Erosion control measures to prevent soil, dirt and debris from entering the storm drain system during construction, in accordance with the regulations outlined in the ABAG Erosion and Sediment Control Handbook.
86. Prior to issuance of a building permit, the vacation of the northern portion of Lafayette Street shall be complete and all parcels related to the project shall be merged.
87. A pedestrian easement shall be granted to Caltrans for the pathway along Mission Boulevard before issuance of a building permit.

**Building Inspection Conditions**

88. When applying for a building permit, provide allowable area calculations for mixed occupancy. Indicate orientation and width of yards. Include if buildings will be fully sprinklered and the type of system to be used in each type of occupancy.
89. Requirements for accessibility will vary dependant on whether this project is public or privately funded. Include this information on the cover sheet of all submittals.

90. Accessible parking spaces and locations shall comply with CBC 1118A.1. Accessible parking Structures shall comply with CBC 1118A.2
91. Provide on the cover sheet the types of units to show equivalent facilitation and the number of required accessible units.
92. Before submitting a building permit application, review CBC, 1006.3.3 "Exterior exit stairways" and 1006.3.4.4 "Exit courts", for possible code issues.
93. Plans must accurately reflect all rights-of-way, including sidewalks and planter strips, showing intended ownership (Caltrans and private).
94. In the event that archaeological resources, prehistoric or historic artifacts are discovered during construction of excavation, the following procedures shall be followed: Construction and/or excavation activities shall cease immediately and the Planning Division shall be notified. A qualified archaeologist shall be consulted to determine whether any such materials are significant prior to resuming groundbreaking construction activities. Standardized procedure for evaluation accidental finds and discovery of human remains shall be followed as prescribed in Sections 15064.f and 151236.4 of the California Environmental Quality Act.
95. Mitigation measures suggested in the Noise Impact Assessment, dated 9/29/03 and updated 4/27/04, prepared by Shen Milsom Wilke, which concluded that the main source of noise in the vicinity of the site is traffic on Mission Boulevard shall be incorporated into the design of the project. Mitigation measures include, but are not necessarily limited to, special consideration for the construction of exterior walls for buildings closest to Mission Boulevard, sound-rated window and door assemblies on selected exterior elevations, and mechanical ventilation systems such as air-conditioning.
96. Construction noise from the development of this site shall adhere to standard restrictions on hours and days of operation as specified in the City of Hayward Municipal Code, Article 1, Section 4.103(2). Construction equipment is required to have sound reduction devices to reduce noise impacts on surrounding properties. The name and telephone number of an individual responsible for responding to complaints regarding noise, and who is hired by the developer, shall be posted at the site during construction.

#### **PRIOR TO FINAL OCCUPANCY**

##### **Engineering/Transportation Division**

97. Prior to final inspection, City of Hayward Supplemental Building Construction & Improvement Tax and New Haven Unified School District Fees shall be paid.

**Construction Waste Management Plan**

98.A Debris Recycling Summary Report is required at the conclusion of the project.

**Site Plan Review Application No. PL. 2004-0191**

32519, 32525, 32527 Mission Boulevard

Eden Housing, Inc. (Applicant)

Estate of Ross S. Rasmusson (Owner)

- A. That approval of Site Plan Review Permit No. PL-2004-0191, as conditioned, will have no significant impact on the environment, cumulative or otherwise, and the project reflects the City's independent judgment and, therefore, a Mitigated Negative Declaration has been prepared.
- B. The development is compatible with on-site and surrounding structures and uses and is an attractive addition to the City in that the project has been designed to be compatible with character of surrounding residential developments, and the existing neighborhood will be buffered from the noise from Mission Boulevard by the new buildings.
- C. The development takes into consideration physical and environmental constraints in that the underground utilities will be relocated and a portion of Lafayette Avenue will be reduced in width to create a more pedestrian friendly atmosphere while providing adequate travel lanes for motor vehicles.
- D. The development complies with the intent of City development policies and regulations including, but not limited to the Zoning Ordinance, the City's Design Guidelines, the Housing Element and the Fairway Park Neighborhood Plan.
- E. The development will be operated in a manner determined to be acceptable and compatible with surrounding development.

## **Zone Change Application No. PL. 2004-0188**

32519, 32525, 32527 Mission Boulevard

Eden Housing, Inc. (Applicant)

Estate of Ross S. Rasmusson (Owner)

### **FINDINGS FOR APPROVAL**

- A. The zone change to High Density Residential will have no significant impact on the environment, cumulative or otherwise, the project reflects the City's independent judgment, and, therefore, a Mitigated Negative Declaration has been prepared.
- B. Substantial proof exists that: (1) the proposed zone change will promote the public health, safety, convenience, and general welfare of the residents of Hayward in that it will provide an opportunity to construct high-density residential housing along a major transportation corridor, which carries out a policy of the General Plan.
- C. The proposed change is in conformance with the purposes of the Zoning Ordinance and all applicable, officially adopted policies and plans, particularly the Housing Element of the General Plan which encourages high-density residential development along major transportation corridors and a variety of housing types.
- D. Streets and public facilities existing or proposed are adequate to serve all uses permitted when property is reclassified to High Density Residential in that surrounding streets are developed with utilities and the property has frontage on and convenient access to a major arterial street.
- E. All uses permitted under the High Density Residential zoning district will be compatible with present and potential future uses, and, further, a beneficial effect will be achieved which is not obtainable under existing Neighborhood Commercial zoning, which does not allow for the construction of high-density housing.



## **CITY OF HAYWARD MITIGATED NEGATIVE DECLARATION**

Notice is hereby given that the City of Hayward finds that could not have a significant effect on the environment as prescribed by the California Environmental Quality Act of 1970, as amended will occur for the following proposed project:

### ***I. PROJECT DESCRIPTION:***

Zone Change (PL-2004-188) – Request to Amend the Zoning District from Neighborhood Commercial (CN) to High Density Residential (RH); Site Plan Review (PL-2004-0191) to construct 57 Affordable Family Apartments; Exception (PL-2004-0192) to Reduce the Required Number of Parking Stalls from 117 to 103; and To Vacate a Portion of Lafayette Street and Reconfigure Lot Lines to Create One Parcel.

### ***II. FINDING PROJECT WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT:***

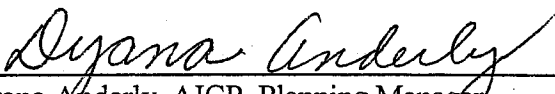
The proposed project, as mitigated, could not have a significant effect on the environment.

#### ***FINDINGS SUPPORTING DECLARATION:***

1. The proposed project has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Evaluation Checklist has been prepared for the proposed project. The Initial Study has determined that the proposed project could not result in significant effects on the environment.
2. The project, as mitigated, will not result in adverse impacts on future residents due to noise. A noise study was completed for the project that outlines mitigation measures necessary for the project to conform to City noise standards. The mitigation measures have been incorporated as conditions of approval of the project.
3. The project will not have an adverse effect on agricultural land since it will be developed on property that is underdeveloped with an abandoned service station and dilapidated commercial structures.
4. The project will not result in significant impacts related to changes into air quality since any impacts would be temporary occurring during the construction phase. The measures taken to mitigate impacts are required to meet the State air quality standards specified in the Clean Air Plan adopted by the Bay Area Quality Management District.
5. The requested zone change from a commercial designation to a residential designation is not inconsistent with City goals and policies as a high-density residential designation is consistent with General Plan objectives to locate high-density residential projects on major transportation corridors, which for this project is Mission Boulevard.

6. The project will not result in significant impacts to cultural resources including historical resources, archaeological resources, paleontological resources, unique topography or disturb human remains because the project will be developed on a lot that is already developed and covered with impervious material.
7. The project site is not located within a "State of California Earthquake Fault Zone." Construction related to this project will be required to comply with the Uniform Building Code Standards to minimize seismic risk due to ground shaking.
8. The project will not lead to the exposure of people to hazardous materials. The parcel is not on the State list of sites describing hazardous materials. Further, a Phase I study is required; and, depending on the outcome of the Phase I study, a Phase II study may also be required. Any mitigation measures raised in these studies will be incorporated into the project and a condition of approval requires implementation of the measures.
9. The project will meet all water quality standards. Drainage improvements will be made to accommodate runoff and the grade of portions of the site will be raised to remove it from a flood zone status.
10. The project could not result in a significant impact to mineral resources since the site is surrounded by developed land and mineral resources do not exist on the project site.
11. The project will introduce 57 affordable housing units into an area along a major transportation corridor where growth is desirable.
12. The project will not result in significant impacts to traffic, and a traffic signal will be installed to facilitate traffic movements in the area. Additionally, and consistent with Smart Growth practices, an adjacent road will be reduced in width to create a pedestrian friendly environment.

I. **PERSON WHO PREPARED INITIAL STUDY:**

  
Dyana Anderly, AICP, Planning Manager  
Dated: May 3, 2004

II. **COPY OF ENVIRONMENTAL CHECKLIST IS ATTACHED**

For additional information, please contact the City of Hayward, Planning Division, 777 B Street, Hayward, CA 94541-5007, telephone (510) 583-4215

**DISTRIBUTION/POSTING**

- Provide copies to all organizations and individuals requesting it in writing.
- Provide a copy to the Alameda County Clerk's Office.
- Reference in all public hearing notices to be distributed 20 days in advance of initial public hearing and/or published once in Daily Review 20 days prior to hearing.
- Project file.
- Post immediately upon receipt at the City Clerk's Office, the Main City Hall bulletin board, and in all City library branches, and do not remove until the date after the public hearing.





## Environmental Checklist Form

1. Project title: Zone Change (PL-2004-188) – Request to Amend the Zoning District from Neighborhood Commercial (CN) to High Density Residential (RH); Site Plan Review (PL-2004-0191) to construct 57 Affordable Family Apartments; Exception (PL-2004-0192) to Reduce the Required Number of Parking Stalls from 117 to 103; and To Vacate a Portion of Lafayette Street and Reconfigure Lot Lines to Create One Parcel.
2. Lead agency name and address: City of Hayward, Department of Community and Economic Development, 777 B Street, Hayward, CA 94541-5007
3. Contact person and phone number: Ann Bauman, AICP, Neighborhood and Economic Development Manager, 510-583-4250 email: ann.bauman@hayward-ca.gov
4. Project location: APN 78G-2771-1-8, APN 78G-2771-1-9, APN 78G-2771-5. Current Address of these parcels is 32519, 32525, 32527 Mission Blvd (State Route 238) at Lafayette Street; proposed new address would be 32520 Pulaski Drive, Hayward 94544 since primary frontage will be on Pulaski, not Mission.
5. Project sponsor's name and address: Applicant is Eden Housing, Inc., 409 Jackson St., Hayward, CA 94544 Attention: Katie Lamont, Project Manager.

- |   |   |
|---|---|
| 6. General plan designation: Commercial/High Density Residential (CHDR) | 7. Zoning: Neighborhood Commercial (CN) |
|---|---|

8. Description of project:

The project consists of a rezoning from Neighborhood Commercial to High Density Residential and a Site Plan Review for a 57 unit rental residential development serving low and very low income households. The project involves the vacation of the City's easement on the northern half of Lafayette Drive to allow that portion of the street to be merged with the three parcels to become the southern section of the development. A parking exception has also been requested since there is an existing bus route, through the city and to and from BART, on Mission Blvd with stops adjacent to the project. Also, the project serves households that are very low income. Information about the actual number of vehicles per household for similar Eden properties shows that the majority of households are not likely to have two cars per family, thus needing fewer parking spaces than the parking ordinance requires. The proposed parking ratio is 1:81 to 1 or 113 parking spaces where 117 are required.

The total site area is 1.91 acres with a density of approximately 30 units per acre. There will be 6 one bedrooms, 29 two bedrooms, and 22 three bedroom units in a combination of flats and town homes on podium and at ground level. Unit sizes range from 600 sq.ft. to 1,150 sq.ft. with different floor plans. The project will include an 1,800 sq.ft. Community Center that will house a computer learning center, library and other amenities for residents. The project will be centered around a large, landscaped courtyard that will include sitting and play areas as well as barbecues and picnic areas.

9. Surrounding land uses and setting:

To the east of the site, across Mission Blvd., is the Chapel of the Chimes, a cemetery with open fields. To the northeast of the site, on the same side of the street as the project, is a poorly-maintained carry-out restaurant. To the northwest of the site are two, two story apartment buildings. To the west of the site, across Pulaski Drive, is a single family subdivision on 5,000 sq.ft. lots. To the south of the site is a grocery store, the Mexico Super.

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)

CalTrans (encroachment permits for driveway closure, sidewalk, curb and gutter)  
Alameda County Flood Control and Water Conservation District

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Aesthetics                    | <input type="checkbox"/> Agriculture Resources              | <input type="checkbox"/> Air Quality            |
| <input type="checkbox"/> Biological Resources          | <input type="checkbox"/> Cultural Resources                 | <input type="checkbox"/> Geology /Soils         |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality          | <input type="checkbox"/> Land Use / Planning    |
| <input type="checkbox"/> Mineral Resources             | <input checked="" type="checkbox"/> Noise                   | <input type="checkbox"/> Population / Housing   |
| <input type="checkbox"/> Public Services               | <input type="checkbox"/> Recreation                         | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities / Service Systems   | <input type="checkbox"/> Mandatory Findings of Significance |   |

**DETERMINATION:** (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Dyana Anderly  
Signature

April 30 04  
Date

Dyana Anderly  
Printed Name

Department of Community  
and Economic  
Development  
Agency

#### XIV. RECREATION --

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

☐ ☐ ☒ ☐

**Comment:** Rancho Verde Park is within ½ mile of the site. The project will have a less than significant impact on the use of neighborhood parks due to the relatively small number of units and project on-site amenities. The project includes a community room. The development is centered around a large landscaped court yard that includes tot lots, open space for family picnics and play areas within the development.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

☐ ☐ ☒ ☐

**Comment:** See XIV.a) above.

#### XV. TRANSPORTATION/TRAFFIC -- Would the project:

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

☐ ☐ ☐ ☒

**Comment:** A traffic analysis report was prepared by Peng Engineers, Inc. in April 2004. The report concluded that due to previous uses at the site, the net trip generation is a decrease of 155 daily trips; vehicular access and circulation proposed on the site plan appears to be adequate with the suggested improvements implemented; and Mission Blvd./Lafayette Avenue intersection should be placed on a priority list for consideration of a traffic signal installation. There is adequate capacity in the existing transportation system to develop the entire project as proposed.

b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

☐ ☐ ☐ ☒

**Comment:** See XV.a) above.

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

☐ ☐ ☐ ☒

**Comment:** The project will have no impact on air traffic patterns.

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

☐☐☐☒

**Comment:** The project will not substantially increase hazards.

e) Result in inadequate emergency access?

☐☐☐☒

**Comment:** See XV.a) above.

f) Result in inadequate parking capacity?

☐☐☒☐

**Comment:** Residential Parking – Total parking required is 117 spaces or two spaces per unit plus visitor parking. This project contains 103 parking spaces or 88% of the required spaces, a ratio of 1:81 to 1. The applicant has requested a parking exception due to the project being located on a major transit route and a survey conducted by Eden Housing of comparable projects that showed that many of their tenant households had fewer than two cars per due to their very low income.

g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

☐☐☐☒

**Comment:** This project does not conflict with policies, plans or programs for alternative transportation.

## ENVIRONMENTAL ISSUES:

<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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### I. AESTHETICS -- Would the project:

a) Have a substantial adverse effect on a scenic vista?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** Currently, the site contains a blighted, abandoned milk processing and distribution plant with a few, small, dilapidated, retail stores, most of which are vacant.

The proposed project consists of 57 units of new rental housing composed of flats and townhouse-type units. On Mission Blvd, beginning in back of the curb, there will be a 7 foot planter strip with grass, plantings and street trees, a 5 foot sidewalk and 15 additional feet of landscaping. There will be a 20 foot landscaped setback on Lafayette (perpendicular to Mission Blvd). The development primary frontage will be on Pulaski with a 10 foot set back. Buildings on Pulaski and Lafayette will be three story and those on Mission will be three story over podium parking. A landscaped berm (previously described) will conceal the podium parking. This project will enhance the appearance of the intersection and be an attractive addition to the neighborhood.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** This site primarily consists of an asphalt pad with abandoned metal buildings and commercial structures with deferred maintenance. Most of the commercial structures are vacant. The structures lack historical significance. There are no mature trees on the site. There are some overgrown bushes on the site. There are no rock outcroppings or historic buildings on the site. Mission Blvd is not a state scenic highway.

c) Substantially degrade the existing visual character or quality of the site and its surroundings?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** See I. a) above.

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
c) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Comment:** There are three street lights on the Mission Blvd side of the site, one of which is currently directed to Lafayette. There are two street lights on Pulaski across from the project site. Given the amount of light currently surrounding the project site, typical indoor and exterior lighting of the residential units will not create a new source of substantial light or glare.

To ensure that the impact remains at a level of insignificance the following mitigation measure shall be implemented as a condition of approval:

- **Lighting shall be designed so that no light spills off-site especially on adjacent residential properties.**

**II. AGRICULTURE RESOURCES:** In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** As described above, the site contains an abandoned dairy and commercial structures, most of which are vacant. There are no agricultural uses in the vicinity that would be affected by the proposed development. No agricultural resource impacts are anticipated.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** See II. a) above.

c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** See II. a) above.

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**Comment:** The traffic volumes associated with this project are not anticipated to be substantial. Therefore, a significant increase in air emission or deterioration of ambient air quality attributed to the project is not anticipated. It should be noted that the latest information provided by the Bay Area Air Quality Management District (BAAQMD) indicates that the Bay Area is designated a non-attainment area for ozone and particulate matter (PM10). Typically, the BAAQMD does not require site-specific air quality analyses for projects that do not meet minimum size threshold (typically in excess of 300 dwelling units), which this project would not meet.

Best Management Practices (BMP) is required as a condition of approval regarding use of equipment during the grading phase of construction. The project will be conditioned to require that all trucks be covered and that daily street sweeping and site watering be implemented during this phase. In addition, vehicle wheels may be required to be washed before entering the public street.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** See III. a) above.

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** See III. a) above.

d) Expose sensitive receptors to substantial pollutant concentrations?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** See III. a) above.

e) Create objectionable odors affecting a substantial number of people?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** See III. a) above.



<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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#### IV. BIOLOGICAL RESOURCES -- Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** As previously described, the site is covered by an asphalt slab and was for many years a milk processing plant and adjacent commercial storefronts. The Natural Diversity Database, California Department of Fish and Game, (4/02) shows no species that could be impacted by this project.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** See IV. a) above.

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** There are no identified wetlands on the project site.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** See IV. a) above.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** See IV. a) above.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** See IV. a) above.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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**V. CULTURAL RESOURCES -- Would the project:**

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**Comment:** There are no known cultural resources in the project area and it is unlikely that any cultural resources will be encountered during site development. Potential impacts related to unknown cultural resources that may be encountered during the construction phase can be mitigated to a level of insignificance with the implementation of the following mitigation measure:

- In the event that archaeological resources, prehistoric or historic artifacts are discovered during construction of excavation, the following procedures shall be followed: Construction and/or excavation activities shall cease immediately and the Planning Division shall be notified. A qualified archaeologist shall be consulted to determine whether any such materials are significant prior to resuming groundbreaking construction activities. Standardized procedure for evaluation accidental finds and discovery of human remains shall be followed as prescribed in Sections 15064.f and 151236.4 of the California Environmental Quality Act.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**Comment:**

- In the event that archaeological resources, prehistoric or historic artifacts are discovered during any construction or excavation, the following procedures shall be followed: Construction and/or excavation activities shall cease immediately and the Department of Community and Economic Development shall be notified. A qualified archaeologist shall be consulted to determine whether any such materials are significant prior to resuming groundbreaking construction activities. Standardized procedures for evaluating accidental finds and discovery of human remains shall be followed as prescribed in Sections 15064.5 and 15126.4 of the California Environmental Quality Act.

c) Directly or indirectly destroy a unique pale ontological resource or site or unique geologic feature?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**Comment:** See V. b) above.

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comment: See V. b) above.

#### VI. GEOLOGY AND SOILS -- Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Comment:** The project site is not within the Earthquake Hazard zone. The Zone is approximately 700 feet east of the site; there is a trace of the Hayward Fault that appears to be about 1200 feet east of the site. The San Andreas Fault passes about 12 miles west of the site. It is likely that any future residences, constructed on the project site, will be subject to seismic shaking and other earthquake-induced effects. The Uniform Building Code requires new building construction to meet requirements for construction in earthquake-prone areas, which is intended to minimize any potential impacts related to seismic events. The following mitigation measure is recommended in order to reduce potentially significant impacts related to soils and grading to a less than significant level:

- The buildings shall be constructed in accordance with Uniform Building Code requirements relating to earthquake safety in residential, industrial and commercial structures.

ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Comment: See VI. a) i above.

iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Comment: See VI a) I above

iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** The site and surrounding properties are level with no potential for landslides.

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Comment:** The project site is level and covered with asphalt and/or structures.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** See VI. b) above.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** See VI. b) above.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** Sewers are available for this site.

#### VII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** No hazardous materials of a significant threshold are anticipated to be used at the site.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** See VII. a) above.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** See VII. a) above.

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**Comment:** This property is not on a list of hazardous materials sites. In 1989, Troy Harper, Registered Environmental Assessor, conducted a Phase I that determined that there was a convincing basis for concluding that environmental contamination of the site was unlikely. A Phase II was conducted in June 2003 by Rick Widebrook, Registered Geologist, that found no residual environmental contamination at the former gasoline station and no concentrations from the former dry-cleaner shop that pose a significant environmental risk for residential sites. (Both reports are on file in the Hayward City Planning Division Offices.)

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** This site is not located within an airport land use plan or within two miles of a public airport or public use airport per Hayward Airport Memo and Map 6/27/01.

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** See VII. e) above.

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** This project will not impair the implementation of or interfere with an adopted emergency response plan.

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** The project is not in an area subject to wild land fires.

<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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# VIII. HYDROLOGY AND WATER QUALITY -- Would the project:

a) Violate any water quality standards or waste discharge requirements?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** A drainage plan will have to be submitted and approved by the City Engineer prior to issuance of building permits for the housing. The San Francisco Bay Regional Water Quality Control Board has authority over drainage on the site, and their approval is required before issuance of any building permits for the development.

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** This project will not deplete or interfere substantially with groundwater supplies or recharge.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** See VIII. a) above.

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** See VIII. a) above.

e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** See VIII. a) above.

f) Otherwise substantially degrade water quality?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** See VIII. a) above.

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Comment:** No. This project is located within Flood Zone C per Flood Panel 0650330020E (02/29/00)

g) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** See VIII. g) above.

h) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** See VIII. g) above.

i) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** The site is several miles inland from the San Francisco Bay shoreline. The potential for inundation due to tsunami and/or seiche is considered remote.

#### IX. LAND USE AND PLANNING - Would the project:

a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** The project area is a combination of single-family and multifamily housing and neighborhood commercial uses. Developing this property with flats and townhouse-type buildings not divide the community or have a negative impact on the surrounding area.

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** This 1.9 acre parcel is presently zoned Neighborhood Commercial (CN) District and shown on the General Plan as Commercial/High Density Residential (CHDR). The proposal is to rezone the property to High Density Residential (RH) that is consistent with the underlying General Plan designation which supports high density residential housing along major transit routes.

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Comment:** There is no habitat conservation plan or natural community conservation plan that applies to this site.

**X. MINERAL RESOURCES -- Would the project:**

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** There are no known mineral resources on the site.

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** See X. a) above.

**XI. NOISE - Would the project result in:**



a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

☐ ☒ ☐ ☐

**Comment:** The project site has frontage on Mission Blvd., a major arterial serving surrounding industrial and residential uses and north and south flowing traffic through the area. Both passenger vehicles and heavy truck traffic on the street will have a noise impact on residential development adjacent to Mission Blvd.

Shen Milsom Wilke prepared a Noise Impact Assessment 9/29/03, updated 4/27/04 and concluded that the main source of noise in the vicinity of the site is traffic on Mission Blvd. A noise analysis, prepared by Shen Milsom Wilke, on file in the Planning Division offices, indicates that exterior walls for buildings closest to Mission Boulevard will require special consideration to limit traffic noise inside the residential units. In addition, sound-rated window and door assemblies will be required on selected exterior elevations. The City's goal for acceptable noise within indoor areas is an Ldn of 45 dB. It is recommended that since some of the windows may be closed for noise control, those dwelling units requiring noise mitigation measures also be provided with a mechanical ventilation system such as air-conditioning.

The mitigation measures identified in the noise study have been incorporated as conditions of approval and within the Mitigation Monitoring Program.

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

☐ ☐ ☒ ☐

**Comment:** See XI. a) above.

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

☐ ☐ ☐ ☒

A residential project of 57 units will not result in an increase in the ambient noise levels in the vicinity.

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

☐ ☐ ☐ ☒

**Comment:** During construction of the project, there may be an increase of ambient noise levels in the vicinity. Hours of construction will be limited to daytime and hour limitations will be placed on Saturday and Sunday activity. Construction equipment should have sound reduction devices to reduce noise impacts on surrounding properties. Due to acceptable ambient noise level in the vicinity, no mitigation is required.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** The project is not located within an airport land use plan or within two miles of a public airport or public use airport.

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** See XI.e) above.

## XII. POPULATION AND HOUSING -- Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**Comment:** The project will allow the construction of 57 residential units on a previously developed in-fill parcel adjacent other residential and commercial uses. Previous uses were commercial; therefore, there are no impacts related to displacement of housing units or people. Commercial tenants will receive federal relocation benefits.

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** See XII. a) above.

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** See XII. a) above.

### XIII. PUBLIC SERVICES

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** Since this is a small (57-unit) residential project located on an in-fill parcel whose rezoning is consistent with the underlying General Plan designation, the project will result in no substantial adverse impacts.

Police protection?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**Comment:** Given the urban context and the small scale of the residential development, public service impacts related to police protection are anticipated to be less than significant.

Schools?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**Comment:** The project is located within the New Haven School District. Impacts are expected to be less than significant for those schools as a result of this project. The elementary school is Hillview Crest and the middle school is Barnard-White. In order to ensure that impacts remain less than significant, mitigation measures include imposition of a school impact fee to the extent allowed by State Law.

Parks?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**Comment:** The Municipal Code requires the payment of a fee in lieu of land dedication. Because the project is an affordable project with a regulatory agreement, the project is required to pay half the standard fee for a project of that size. See also XIV.a) below.

Other public facilities?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** This project will not impact any other public facilities.

**XVI. UTILITIES AND SERVICE SYSTEMS - Would the project:**

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** The project has been reviewed by the City of Hayward Utilities (Water) Division. Water and sewer service will be made available subject to standard conditions and fees in effect at the time of application for service.

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** No. City of Hayward Utilities (Water) Division has determined that the requirements of this development can be met within the existing capacity.

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** See XVI. b) above.

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** See XVI. b) above.

e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** See XVI. b) above.

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** The project site will be served by Waste Management of Alameda County. Residents will be provided with all necessary waste/recycling containers and the project as a whole will be required to comply with all statutes and regulations related to solid waste.

g) Comply with federal, state, and local statutes and regulations related to solid waste?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** See XVI. f) above.

**XVII. MANDATORY FINDINGS OF SIGNIFICANCE --**

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

☐ ☐ ☐ ☒

**Comment:** Due to the small scale of the proposed project and the fact that the site is surrounded by existing development, the proposed 57 unit development is not anticipated to result in significant cumulative impacts. No special-status wildlife species were observed on the site and none are expected due to the extent of the disturbance of the site from surrounding development and activity.

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

☐ ☐ ☐ ☒

**Comment:** See XVII. a) above.

b) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

☐ ☐ ☐ ☒

**Comment:** See XVII. a) above.

**MITIGATION MONITORING PROGRAM**  
**EDEN HOUSING, INC.**  
**PL-2004-0188 ZC/PL-2004-0191 SPR/PL-2004-0192 VAR/Street Vacation**  
**32519/32525/32527 MISSION BLVD.**

1. **AESTHETICS** – No mitigation required
2. **AGRICULTURAL RESOURCES** – No mitigation required
3. **AIR QUALITY** – No mitigation required
4. **BIOLOGICAL RESOURCES** – No mitigation required
5. **CULTURAL RESOURCES** – No mitigation required
6. **GEOLOGY / SOILS**

**Mitigation Measure:** The buildings shall be constructed in accordance with Uniform Building Code requirements relating to earthquake safety in residential, industrial and commercial structures.

**Implementation Responsibility:** City of Hayward

**Verification Responsibility:** City Building Official

**Monitoring Schedule during Plan Review:** Plan check prior to issuance of building permit to ensure compliance with Uniform Building Code standards

**Monitoring Schedule during Construction/Implementation:** On-going inspections during construction and final inspection prior to issuance of certificate of occupancy to ensure compliance with approved plans

7. **HAZARDS & HAZARDOUS MATERIALS** – No mitigation required
8. **HYDROLOGY / WATER QUALITY** – No mitigation required
9. **LAND USE / PLANNING** – No mitigation required
10. **MINERAL RESOURCES** – No mitigation required
11. **NOISE**

**Mitigation Measures:**

- The exterior walls facing and perpendicular to Mission Blvd., where noise levels reach 72-76 dBA DNL, must be a double layer of 5/8" gypsum board in the interior and stucco or equivalent to double layer of 5/8" gypsum board

on the exterior to provide adequate reduction of the traffic noise. The wall cavity must contain equivalent to 3½" thick sound attenuation blanket.

- The exterior wall perpendicular to Lafayette St., exposed to noise levels of 66-69 dBA DNL, can be equivalent to stucco wall construction with single layer of 5/8" gypsum board in the interior and must have 3½" sound attenuation blanket in the cavity.
- For the rest of the exterior elevations, standard stucco wall construction with single layer of 5/8" gypsum board in the interior will be adequate. All remaining exterior wall cavities must be filled with fiberglass insulation.
- Windows directly facing Mission Blvd. must meet minimum STC rating of 38. These include windows on the northeast side of the building adjacent to Mission Blvd.
- Windows rated at STC 34 must be used on the northwest and southeast walls of the building facing Mission Blvd.
- Windows for the building adjacent to Lafayette St. must have minimum rating of STC 30.
- Doors on exterior elevations with sound-rated windows must meet the same sound ratings.
- All residential units in buildings with direct exposure to Mission Blvd. will require air ventilation because they can only meet 45 dB DNL inside with windows closed.

**Implementation Responsibility:** City of Hayward

**Verification Responsibility:** City Building Official and Planning Manager

**Monitoring Schedule during Plan Review:** Plan check prior to issuance of building permit to ensure compliance with these conditions

**Monitoring Schedule during Construction/Implementation:** On-going inspections during construction and final inspection prior to issuance of certificate of occupancy to ensure compliance with these conditions

12. **POPULATION / HOUSING** – No mitigation required
13. **PUBLIC SERVICES** – No mitigation required
14. **RECREATION** – No mitigation required
15. **TRANSPORTATION / TRAFFIC** – No mitigation required
16. **UTILITIES / SERVICE SYSTEMS** – No mitigation required

**Sara Conner Place  
Parking Variance Application  
Findings Required**

- a. Special circumstances applicable to the property including size, shape, topography, location, surroundings, or other physical constraints.

The property fronts on three streets and, according to the city's design guidelines, all three frontages need to be respected and treated well. As a result there is only one location along the fourth side of the property that lends itself to a surface parking lot. The design includes a basement garage in the building that fronts onto Mission Boulevard. This provides the required one covered parking space per unit for the entire development. The building that fronts on Mission Boulevard is the only building that can afford the extra height of a partially submerged garage because it is adjacent to Mission Boulevard, a major high speed arterial. The other frontage streets serve the single-family neighborhood west of the development and the buildings along them need to be on a smaller scale.

- b. Strict application of the zoning code deprives such property of privileges enjoyed by other property in the vicinity under the same zoning classification.

The development was originally conceived as a group of buildings surrounding a common greenspace. To accommodate additional parking in a secondary surface parking lot, the greenspace was reduced. To add the additional spaces required by a strict application of the code, the central greenspace would be drastically reduced compromising the amount and quality of required open space. The children of the families living in the development need a safe place to play within the limits of the development.

- c. The variance does not constitute a grant of a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.

The development will serve low-income households where occupancy guidelines are strictly enforced (i.e. units will not house multiple households). The population served, proactive property management provided, and regulatory oversight applied are all unique. The appropriateness of the number of parking spaces proposed for this affordable family development is validated by national, California, and Bay Area studies as well as by Eden's experience managing other affordable family developments in Hayward. A summary of the findings of several studies of vehicle ownership for low-income renter households as well as a table summarizing the parking provided and used at Eden's existing Hayward affordable family developments are attached.



The parking proposed for this development exceeds the amount provided at almost all of Eden's other Hayward developments. Only Sycamore Square and Villa Springs provide more parking, with parking ratios of 2.0 and 1.83 respectively. At both developments, residents do not use all the provided spaces. The actual parking ratios are 1.57 and 1.73 respectively. In both cases surplus spaces are used for visitor parking. Villa Springs, for example, is an acquisition and rehabilitation project that provides a sea of uncovered parking and minimal open space. It has one small play structure in an isolated location and one picnic and barbeque area. The design solution at Sara Conner Place provides almost the same level of parking, with a provided parking ratio of 1.81 that exceeds Villa Spring's actual parking ratio of 1.73, and much higher quality open space.

**Sara Conner Place**  
**Parking Variance Application**  
**Summary of Parking Studies Findings**  
*Vehicle Ownership for Low-Income Renter Households*

In 1995, the Metropolitan Transportation Commission conducted a study of vehicle ownership in the Bay Area based largely on 1990 Census data. The MTC study demonstrated the following:

- Lower income households own fewer vehicles per household than the 1.76 average number of vehicles per household in the Bay Area; households earning between 48% and 60% of the median income owned on average only 1.30 vehicles. Sara Conner Place will target households between 30% and 60% of the median income.
- Below the median income, once households exceed one person, household size does not have a large impact on vehicle ownership. At 48% to 60% of the median, a 2-person household owns 1.48 vehicles; a 3-person household owns 1.56 and a 4-person household owns 1.64 vehicles. Roughly 40% of Sara Conner Place will be 3-bedroom units for four to five person households.
- Renters own fewer vehicles than owners at the same income level. At each income level, renting households own on average 0.4 fewer vehicles.

According to the National Multi Housing Council (NMHC), apartment residents own fewer cars and are more likely to use public transportation. NMHC examined the U.S. Census Bureau's 1999 American Housing Survey data and found that apartment residents own an average one motor vehicle per household, while owner-occupied households own an average two vehicles. Data from the Institute for Transportation Engineers indicates that apartment households generate 30 to 40 percent fewer vehicle trips than single-family units.

The California Planning Roundtable published a report called "Myths and Facts about Affordable and High-Density Housing" in 1993. To address the myth that high-density and affordable housing will cause too much traffic, the report presented the following fact: people who live in affordable housing own fewer cars and drive less. In California's six largest metropolitan areas, two-thirds of renters and over three-fourths of the households living below the poverty line own no vehicle or only one car, compared to 54% of all households and 44% of homeowner households. This conclusion is based on an analysis of American Housing Survey data from 1987 to 1999 and echoes the conclusion of the MTC's Bay Area study. With lower car ownership rates come fewer trips and fewer single-occupant auto commutes. In the San Francisco Bay Area, the MTC found in 1980 that low-income households make an average of 3.6 trips per day, compared to 6.8 trips per day for medium- and 9.9 per day for high-income households.

The table below highlights several Eden Housing developments that are located in Hayward, serve families, and are adjacent to major transit lines.

**SARA CONNER PLACE  
PARKING VARIANCE APPLICATION  
PARKING SURVEY OF EDEN'S HAYWARD FAMILY PROPERTIES**

Property	Address	Unit Mix	Number of adults	Parking provided	Actual Number of cars	Parking Ratio Provided	Used	Major Transit Line	Comments
Sara Conner Place	32520 Pulaski Drive Hayward, CA 94544	57 Total 6 1 BR 29 2 BR 22 3 BR		103		1.81		Bus route 99 stops in front of the site, travels Mission Blvd, and provides direct access to BART	The development is located across the street from a supermarket and within walking distance of city and regional parks. Students can walk to the elementary and middle school and take the 99 bus to the high school. There is also a low/no cost health clinic within walking distance.
Cypress Glen	25100 Cypress Ave Hayward, CA 94544	54 Total 11 1 BR 26 2 BR 17 3 BR	58	81	50	1.50	0.93	Bus route 191 stops within 1 block	Tenants without cars use public transportation. 7 of the 81 spaces are assigned as visitor parking.
Glen Berry	625 Berry Ave Hayward, CA 94544	50 Total 0 1 BR 18 2 BR 29 3 BR 3 4 BR	~100	66	52	1.32	1.04	Bus routes 91 and 99 provide direct access to BART	There is a surplus of parking. 10 of the 66 spaces are assigned as visitor parking.
Glen Eden	561 A Street Hayward, CA 94541	36 Total 12 1 BR 6 2 BR 18 3 BR	60	55	44	1.53	1.22	Hayward BART station is less than a 5 minute walk. Many bus routes pass through the area.	There are many unassigned parking stalls. There are 19 additional spaces that are assigned to the Alzheimer's Institute during the day and as visitor parking at night.
Harris Court I&II	734-751 Harris Court Hayward, CA 94544	24 Total 4 1 BR 9 2 BR 11 3 BR	37	20		0.83	0.00	S Hayward BART station is about a 5 minute walk	Some residents have one car and others have two. No parking problems.
Huntwood Commons	27901 Huntwood Ave Hayward, CA 94544	40 Total 12 1 BR 20 2 BR 8 3 BR	59	69		1.73	0.00	Bus routes 77, 83, 86 & 91 pass along Tennyson Rd. S Hayward BART station is about a 5 minute walk	Some residents have one car and others have two. No parking problems.
Sycamore Square	22650 Alice Street Hayward, CA 94541	26 Total 0 1 BR 2 2 BR 24 3 BR	52	52	41	2.00	1.58	Hayward BART station is less than a 5 minute walk. Many bus routes pass through the area.	Not all spaces are used. Unused spaces are used for visitors.
Villa Springs	22330 S Garden Ave Hayward, CA 94541	66 Total 1 1 BR 62 2 BR 3 3 BR	~120	121	114	1.83	1.73	Bus routes 83 & 85 stop within a few blocks at the corner of West A Street and Victory Drive.	Many residents have 2 cars. Not all spaces are used. Unused spaces are used for visitors.

**Sara Conner Place  
Parking Variance Application  
Required vs. Provided Summary**

**Per Zoning Code**

Unit Mix	Covered	Uncovered	Total	Assigned	Visitor
1 BR	6	1	10.2	1	10%
2 BR	29	1	60.9	2	of
3 BR	22	1	46.2	2	total
	<u>57</u>		<u>117.3</u>	<u>108</u>	<u>11.73</u>
		Ratio	2.06		

**Provided**

Covered	58 1 per unit	Assigned	94	Visitor	9
Uncovered	43				
4 Bikes	1				
2 Motorcycles	<u>1</u>				
	103				
Ratio	1.81				

**Per Parking Studies Findings**

*Vehicle Ownership for Low-Income Renter Households*

57 units
1.64 vehicles per 4 person household @ 48-60% AMI
93.48 resident parking
9.35 + 10% visitor parking
<u>102.83</u>
1.80 Ratio

Note: This is the highest parking ratio found in the several studies cited.  
1.64 vehicles per 4 person household is for all households @ 48-60% AMI.  
At each income level, renting households own on average 0.4 fewer vehicles.

## Dyana Anderly

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From: Ann Bauman  
Sent: Tuesday, May 25, 2004 4:02 PM  
To: Dyana Anderly  
Subject: Parking

### Parking Data

In 1995, the Metropolitan Transportation Commission conducted a study of vehicle ownership in the Bay Area based largely on 1990 Census data. The MTC study demonstrated the following:

- Lower income households own fewer vehicles per household than the 1.76 average number of vehicles per household in the Bay Area; households earning between 48% and 60% of the median income owned on average only 1.30 vehicles. Hayward Mission Apartments will target households between 30% and 60% of the median income.
- Below the median income, once households exceed one person, household size does not have a large impact on vehicle ownership. At 48% to 60% of the median, a 2-person household owns 1.48 vehicles; a 3-person household owns 1.56 and a 4-person household owns 1.64 vehicles. Roughly 50% of Hayward Mission Apartments will be 3-bedroom units for four to five person households.
- Renters own fewer vehicles than owners at the same income level. At each income level, renting households own on average 0.4 fewer vehicles.

According to the National Multi Housing Council (NMHC), apartment residents own fewer cars and are more likely to use public transportation. NMHC examined the U.S. Census Bureau's 1999 American Housing Survey data and found that apartment residents own an average one motor vehicle per household, while owner-occupied households own an average two vehicles. Data from the Institute for Transportation Engineers indicates that apartment households generate 30 to 40 percent fewer vehicle trips than single-family units.

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**Sara Conner Place  
Parking Variance Application  
Required vs. Provided Summary**

**Per Zoning Code**

Unit Mix	Covered	Uncovered	Total	Assigned	Visitor		
1 BR	6	1	0.7	10.2	1	6	10%
2 BR	29	1	1.1	60.9	2	58	of
3 BR	22	1	1.1	46.2	2	44	total
	<u>57</u>		<u>117.3</u>		<u>108</u>	<u>11.73</u>	
		Ratio	2.06				

**Provided**

Covered	58	1 per unit	Assigned	94	Visitor	9
Uncovered	43					
4 Bikes	1					
2 Motorcycles	<u>1</u>					
	103					
Ratio	1.81					

**Per Parking Studies Findings**

*Vehicle Ownership for Low-Income Renter Households*

57 units
<u>1.64 vehicles per 4 person household @ 48-60% AMI</u>
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**Compared to Other Hayward Family Properties**

*See Parking Survey for more detail*

57 units
<u>1.83 2nd highest parking ratio (Villa Springs)</u>
104 total parking
57 units
<u>1.32 2nd lowest parking ratio (Glen Berry)</u>
75 total parking

**DUE TO THE LENGTH OR COLOR  
OF THE REFERENCED EXHIBIT,  
IT HAS BEEN ATTACHED AS A  
SEPARATE LINK.**